89- 1406

Supreme Court, U.S.
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No.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1989

BERNARD S. NEISTEIN,

Petitioner,

v.

ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS

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QUESTIONS PRESENTED FOR REVIEW

1. Does a state supreme court disciplinary rule (the "Disciplinary Rule") which authorizes attorneys to make judicial campaign loans or gifts but which disciplines attorneys who make non-judicial campaign loans or gifts violate the equal protection clauses of the U.S. Constitution and Illinois Constitutions?

2. Has there been a denial of due process where two of the four state court justices who decided that the Disciplinary Rule did not violate equal protection had received significant loan and gift lawyer campaign contributions in their last judicial campaigns?

3. Has there been a denial of due process where two of the four state court justices who decided that the Disciplinary Rule was constitutional and who had received judicial campaign loans and gifts from lawyers refused to recuse themselves although requested to do so?

PARTIES TO THE PROCEEDINGS

Petitioner Bernard S. Neistein was respondent before the Supreme Court of Illinois. The Illinois Attorney Registration and Disciplinary Commission petitioner before the Supreme Court of Illinois, commenced the disciplinary proceeding against Bernard S. Neistein and is the Respondent.

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PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS

Petitioner Bernard S. Neistein, respectfully prays that a writ of certiorari issue to review the judgment and opinion of the Supreme Court of Illinois entered in this case on May 10, 1989.

OPINIONS BELOW

The opinion of the Supreme Court of Illinois (the "Opinion") is reprinted in Appendix A, hereto, and is not yet reported. The Report and Recommendation of the Review Board of the Illinois Attorney Registration and Disciplin-

ary Commission ("ARDC") is reprinted in Appendix C and, the opinion of the Hearing Panel is reprinted in Appendix D; both are unreported.

JURISDICTION

The final decision of the Supreme Court of Illinois was entered on May 10, 1989. App. A. A timely petition for rehearing was filed on November 15, 1989, and denied on December 4, 1989. App. B. The jurisdiction of this Court to review the judgment below is invoked under 28 U.S.C. § 1257(a).

PERTINENT CONSTITUTIONAL AND STATUTORY PROVISIONS

The Fourteenth Amendment to the United States Constitution provides, in pertinent part:

> "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Disciplinary Rule 7-110(a) of the Illinois Code of Professional Responsibility, provides:

> "A lawyer shall not give or lend any thing of value to a judge, official, or employee of a tribunal except those gifts or loans which a judge or a member of

his family may receive under Rule 65(C)(4) of the Code of Judicial Conduct, except that a lawyer may make a contribution to the campaign fund of a candidate for such office."

Relevant portions of the Illinois Disclosure of Campaign Contributions and Expenditures Act are as follows:

"§ 9-10. The treasurer of every state political committee and the treasurer of every political committee shall file with the Board, and the treasurer of every local political committee shall file with the county clerk, reports of campaign contributions and expenditures on forms to be prescribed or approved by the Board. The treasurer of every political committee that acts as both a state political committee and a local political committee shall file a copy of each report with the county clerk." Ill.Rev.Stat. 1987, ch. 46, par. 9-10.

"§ 9-17. All statements and reports filed under this Article with the Board or county clerk shall be available for examination and copying by the public at all reasonable times. Such person examining a statement or report must first fill out a form prepared by the Board identifying the examiner by name, occupation, address and telephone number, and listing the date of examination and reason for such examination. The Board shall supply such forms to the county clerks annually and replenish such forms upon request.

The Board or county clerk, as the case may be, shall promptly notify each political committee required to file a statement or report under this Article of each instance of an examination of its statement or report by sending it a duplicate original of the identification form filled out by the person examining its report." Ill.Rev.Stat. 1987, ch. 46, par. 9-17.

Relevant portions of the Illinois Governmental Ethics Act provide:

"§ 4A-101. The following persons shall file verified written statements of economic interests, as provided in this Article:

* * *

(e) Holders of, and candidates for nomination or election to, the office of judge or associate judge of the Circuit Court and the office of judge of the Appellate or Supreme Court;" Ill.Rev.Stat. 1987, ch. 127, par. 604A-101.

"§ 4A-102. The statement of economic interests required by this Article shall include the economic interests of the person making the statement as provided in this Section. The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement. Campaign receipts shall not be included in this statement.

(a) The following interests shall be listed by all persons required to file:

* * *

(5) The name of any entity from which a gift or gifts, or honorarium or honoria, valued singly or in the aggregate in excess of $500, was received during the preceding calendar year." Ill.Rev.Stat. 1987, ch. 127, par. 604A-102.

"All statements of economic interests filed under this Section shall be available for examination and copying by the public at all reasonable times. Each person examining a statement must first fill out a form prepared by Secretary of State identifying the examiner by name, occupation, address and telephone number, and listing the date of examination. The Secretary of State shall supply such forms to the county clerk annually and replenish such forms upon request.

The Secretary of State or county clerk, as the case may be, shall promptly notify each person required

to file a statement under this Article of each instance of an examination of his statement by sending him a duplicate original of the identification form filled out by the person examining his statement." Ill.Rev. Stat. 1987, ch. 127, par. 604A-106.

Illinois Supreme Court Rule 68 provides, in relevant part:

"A judge shall file annually with the Clerk of the Illinois Supreme Court (the Clerk) a verified written statement of economic interests and relationships of the judge and members of the judge's immediate family (the statement).

* * *

All statements filed under this rule shall be available for examination by the public during business hours in the Clerk's office in Springfield or in the satellite office of the Clerk in Chicago. Original copies will be maintained only in Springfield, but requests for examination submitted in Chicago will be satisfied promptly. Each person requesting examination of a statement or portion thereof must first fill out a form prepared by the Director specifying the statement requested, identifying the examiner by name, occupation, address and telephone number, and listing the date of the request and the reason for such request. The Director shall supply such forms to the Clerk and replenish such forms upon request. Copies of statements or portions of statements will be supplied to persons ordering them upon payment of such reasonable fee per page as is required by the Clerk. Payment may be by check or money order in the exact amount due.

The Clerk shall promptly notify each judge required to file a statement under this rule of each instance of an examination of the statement by sending the judge a copy of the identification form filled out by the person examining the statement.

> The contents of the statement required by this rule shall be as specified by administrative order of this court."

The Administrative Order effectuating Illinois Supreme Court Rule 68 provides, in relevant part:

> "The verified statements of economic interests and relationships referred to in our Rule 68, as amended effective August 1, 1986, shall be filed by all judges on or before April 30, 1987, and on or before April 30, annually thereafter. Such statements shall also be filed by every person who becomes a judge, within 45 days after assuming office. The form of such statements shall be as provided by the Administrative Director of the Illinois Courts, and they shall include all information required by Rule 68 and this order, including:
>
> * * *
>
> 3. The names of all creditors to whom amounts in excess of $500 are owed by the judge or members of the judge's immediate family (spouse and minor children residing with the judge) or were owed during the year preceding the date of verification."

Article VI, Section 3 of the Illinois Constitution of 1970 provides:

> "The Supreme Court shall consist of seven Judges. Three shall be selected from the First Judicial District and one from each of the other Judicial Districts. Four Judges constitute a quorum and the concurrence of four is necessary for a decision. Supreme Court Judges shall select a Chief Justice from their number to serve for a term of three years."

STATEMENT OF THE CASE

The Illinois Supreme Court suspended petitioner Bernard S. Neistein from the practice of law in the State of Illinois for a period of thirty (30) months for a claimed violation of Illinois Supreme Court Rule 7-110(a) ["Rule 7-110(a)"]. Rule 7-110(a) authorizes lawyers to make judicial campaign contributions in the nature of loans and gifts, but prohibits attorneys from making non-judicial campaign loans and gifts to judges even though such non-campaign loans and gifts were not intended to and have no effect on the administration of justice. As described below, Petitioner made no loans or gifts. Petitioner did make certain involuntary payments at the specific requests of a judge.

Petitioner is a respected attorney who has practiced in Illinois for over fifty (50) years and who has served as a Master in Chancery, an Illinois State Representative, an Illinois State Senator, and as Chairman of the Illinois Senate Judiciary Committee where he was instrumental, among other things, in passing state judicial reform (Tr. 80, 81). While he was in the State Senate, Petitioner received an award as the best Illinois legislator and also was a strong legislator on behalf of the poor (Tr. 80-82).

Petitioner also served in France, Germany and England in World War II as an enlisted man until he received a battlefield commission and was separated as an officer. Petitioner is licensed before this Court, the U.S. District Court for the Northern District of Illinois and the U.S. Department of Immigration (Tr. 29). He graduated first in his class from DePaul University School of Law at the age of 19. Because he was not 21 years old, he had to

obtain special permission from the Illinois Supreme Court to take the bar examination (Tr. 77). Petitioner opened his practice during the Depression in back of his parents' cleaning store (Tr. 78). No prior disciplinary complaints have ever been filed against Petitioner.

In either late 1979 or early 1980 and prior to the July 1, 1980 effective date for Rule 7-110(a), Judge Reginald Holzer, whom Petitioner knew casually, who at that time was a judge of the Circuit Court of Cook County, who had been a candidate for the Illinois Supreme Court and who had been considered for a federal judgeship, called Petitioner on the telephone and asked Petitioner to come to the judge's chambers. Petitioner complied with the judge's request. After arriving, Judge Holzer asked Mr. Neistein for a $10,000 personal loan.

Petitioner responded, "I'll get back to you," and returned to his office where he spoke with one of his law partners (Tr. 34, 35). They agreed that Petitioner would not make a personal loan, but instead, Judge Holzer would be referred to the Republic Bank of Chicago (the "Bank") where he would have to stand on his own to obtain a loan. (Tr. 35, 113). Petitioner, three other attorneys at Petitioner's law firm and the firm's profit sharing trust owned a total of twenty-five (25%) percent of the stock of the Bank. (Tr. 111). However, they exerted no influence whatsoever with respect to whether the Bank would loan Judge Holzer any money.

Petitioner returned to Judge Holzer's chambers and told the judge that he would not make a personal loan and that he should apply to the Bank for a loan but that he would have to qualify for the loan and stand on his own. Petitioner had no contact with anyone at the Bank regarding approval of a loan to Judge Holzer (Tr. 64, 65), did

not guarantee the loan, made no attempt to influence the loan, and in fact, did not know who approved the loan (Tr. 65). Petitioner was not on the Bank's loan committee or board of directors, held no administrative position with the Bank, and as a shareholder had no ability to approve, influence or review the loan (Tr. 36, 65).

Although Petitioner did not know why the judge originally contacted him (Tr. 90, 81), at his hearing before a panel of the Illinois Attorney Registration and Disciplinary Commission ("ARDC") in response to a Panel question, Petitioner speculated that possibly Judge Holzer had picked him out to request a loan because he was an attorney in Chicago that the judge thought that he could obtain money from (Tr. 91) and Petitioner was known as a "patsy" who gave money to many people and charities. (Tr. 91).

Petitioner, for example, although not a Roman Catholic, singlehandedly had raised money to keep both a Roman Catholic school, St. Phillip Academy, and a Roman Catholic church, Our Lady of Sorrow Church, in Chicago open for four more years after then Cardinal Cody ordered them closed (Tr. 83). As a result, Petitioner had been knighted by the Roman Catholic Church (Tr. 83). As a fund raiser, Petitioner was a member of the board of directors of the Chicago Loop Synagogue and Northwest Home For The Aged, Chairman of Sports Lodge B'nai B'rith, which awards approximately 25 or 26 college scholarships each year to needy children, and Chairman of Trades and Industry for Israel Bonds (Tr. 83). As its Chicago representative, he was a fund raiser for Cardozo School of Law, which is part of Yeshiva University in New York (Tr. 84).

The Chairman of the Bank testified that the Bank at that time was underloaned and looking for loans, that the

Chairman acting alone approved a $10,000 unsecured loan to Judge Holzer (which was within his lending limits and did not require director or loan committee approval), that the loan was only approved after the Bank received a completed Holzer financial statement, a loan application, and a credit check which showed that the judge had the highest possible credit rating, that the Bank followed all normal procedures in evaluating and subsequently approving a $10,000 unsecured loan for Judge Holzer, and that no one else had anything to do with the making of the loan (Tr. 181, 254, 255). The Holzer financial statement showed a net worth of $123,000 and an annual income of $111,250.

Petitioner's law partner was a Bank director who received ten days or two weeks before each directors' meeting a Directors' Report. One such report showed the Holzer loan was delinquent as to an interest payment. Petitioner's law partner told Petitioner about the default and asked Petitioner to tell Judge Holzer to make his payment (Tr. 41, 123). Petitioner went to Judge Holzer's chambers to ask about the delinquency (Tr. 41), and Judge Holzer told Petitioner in a strong tone of voice to "pay $500 on account of principal and $300 on account of interest". Petitioner's precise testimony (Tr. 94) in response to a question from the Panel was:

> "Well, the first payment was due and I went to him and I said "Say, the loan was just made. The first payment is due. You haven't made the first payment. And he says "make—he didn't say "I want you to"—he said "make the payment" or "make a payment", "pay 500 on the principal and 300 on the interest."
>
> Q. Did he threaten you at that time?
>
> A. He didn't threaten me but his voice was "make a payment". I could tell [from] the tone of voice what that means.

> Q. You were concerned based on his tone of voice, not on the words he said [?].
>
> A. Well, I was concerned on both, but [the] tone of voice was "make a payment", strong." (Tr. 93, 94).

After leaving Judge Holzer, Petitioner returned to his office and discussed with his law partner the fact that Judge Holzer was a dangerous and vindictive person and a powerful Chancery judge who was being considered for a federal judgeship (Tr. 67, 72, 90, 91, 94, 95, 125). They also considered an incident that had occurred years prior when Holzer had been attorney for the Sheriff of Cook County, in which Holzer had caused a witness to be arrested and then had unsuccessfully attempted to coerce the witness to make false statements to the police. They concluded that Judge Holzer was a dangerous man to cross. (Tr. 69, 70, 94, 155). They also discussed the fact that adverse publicity concerning a defaulted loan to a powerful judge would receive substantial media publicity which would adversely affect the Bank.

As a result, after Judge Holzer told Petitioner to make the payment to the Bank, Petitioner and his partner decided that the integrity of the Bank had to be preserved and they made the payment themselves from their personal funds by means of money orders which showed Judge Holzer as the remitter (Tr. 127, 128, 184). They did not know about Rule 7-110(a), which had only been in effect for a short time, they felt that this demand would be an isolated one and they did not realize that there would be other demands (Tr. 136, 137). However, Judge Holzer's demands did not stop after the first payment. They were repeated and continuous and Petitioner and his law partner continued to comply with them until the judge's demands stopped. Petitioner and his partner probably paid between $6,800 to $7,200 on account of Judge Holzer's loan at the Bank (Tr. 66, 139).

Petitioner was not aware of Rule 7-110(a) while these payments were being made (Tr. 58, 181), did not voluntarily make payments on account of Judge Holzer's Bank loan and never made a payment without a demand from the judge (Tr. 65, 66, 152). Petitioner's law firm had pending cases before Judge Holzer, a fact of which Petitioner was not aware (Tr. 73) because the firm had a separate litigation department and Petitioner was not a litigator. Petitioner did not know who the litigation clients were or to which courtrooms their cases were assigned (Tr. 99).

There were no discussions about Judge Holzer awarding attorney's fees, receiverships, or making rulings in cases, nor were their discussions related in any way to cases which Judge Holzer had before him (Tr. 73). Neither Petitioner nor his law firm nor any client of theirs received any favorable treatment from Judge Holzer during this time or afterwards (Tr. 73). In fact, the contrary was true. Of the pending cases which Petitioner's firm had before Judge Holzer, all were settled without the aid of the Court or substantive rulings except for two in which Judge Holzer ruled against the clients of Petitioner's law firm several times. As a result, one such client fired Petitioner's law firm.

The ARDC Administrator filed a complaint and Petitioner fully cooperated with the ARDC and the ARDC Hearing Panel. After a hearing, the Hearing Panel found a single violation of the Code of Professional Responsibility—that Petitioner and his law partner had violated Rule 7-110 by making payments on Judge Holzer's loan. The Hearing Panel went on to factually find, that (1) neither Petitioner nor Petitioner's law partner had a specific intent to influence Judge Holzer on any specific case; (2) that the Bank loan payments "were not completely voluntary"; and (3) "there was some coercion by the Judge."

The Panel went on to hold that specific intent to influence cases is not required for a violation of the Code of Professional Responsibility to occur and that the "breadth and scope of their [Petitioner's and his law partner's] activities were sufficient to violate the rule." App. D.

On May 14, 1988 the ARDC Review Board concurred in the findings of fact, conclusions of law and recommendation of the Hearing Board that Petitioner and his law partner be suspended for thirty (30) months. App. C. On May 10, 1989, four justices, including Justices Benjamin Miller and Horace Calvo, of the seven-judge Illinois Supreme Court issued the Opinion suspending Petitioner from the practice of law for thirty (30) months[1] for violation of Rule 7-110(a).

Petitioner argued and the four-justice majority of the Illinois Supreme Court rejected Petitioner's claim that Rule 7-110(a) is unconstitutional because it excludes from discipline gifts and loans made by lawyers as judicial campaign contributions even though such gifts and loans were made with an improper motive and an intent to influence a judge while imposing discipline on non-campaign gifts and loans to judges even though there was no intent to affect and no effect on the administration of justice. The four-judge majority held:

> "The Illinois Constitution, article VI, section 13(a), states: 'The Supreme Court shall adopt Rules of Conduct for Judges and Associate Judges.'
>
> In carrying out the mandate of article VI, section 13(a), it was certainly reasonable to provide for an

[1] Although there are seven Justices on the Illinois Supreme Court, only four participated in the decision. Justices Ward, Clark and Stamos took no part in the consideration or decision in this case without explanation as to why they did not participate.

exception as to gifts and loans to a judge for campaign purposes. All judges are treated equally and fairly by the rule; the integrity of the legal profession is upheld, as the gifts and loans are publicly disclosed and donors are also treated fairly and equally.

Under the Disclosure of Campaign Contributions and Expenditures Act, enacted by the General Assembly in 1974, all candidates and their campaign committees are required to report their loans and campaign contributions; copies of said reports are then available to the public. (Ill.Rev.Stat. 1987, ch. 46, par. 9-1 *et seq.*) This public disclosure results in all attorneys being aware of who contributed or made loans to a judge. Thus, opposing counsel has knowledge of any campaign gifts or loans, whereas the respondents in this case made their loans to Judge Holzer without disclosure to even their partners and in a manner to make knowledge of their payments unavailable to anyone, even the recipient bank.

We find DR 7-110(A) to be constitutional." App. A, at 8-9.

The participation of Justices Benjamin Miller and Horace Calvo in the decision upholding the constitutionality of Rule 7-110(a) was improper and a denial of due process, and Petitioner timely raised his constitutional claims. In briefing the matter before argument, Petitioner noted that, depending upon which justices participated in the decision as to whether Rule 7-110(a) violated the equal protection clauses of the Constitutions of the United States and Illinois, there might be a due process violation because due process requires a fair, impartial and unbiased tribunal. Justices Miller and Calvo, however, went on to participate in the decision to suspend Petitioner even though, as described below, as shown by Appendices E, F, G and H, their last judicial campaigns had received

thousands of dollars in lawyer loans and gifts in the form of campaign contributions and even though, as described below, Justice Miller appeared to have personally received, after his election to the Illinois Supreme Court, $28,540 from funds raised by a committee to retire his campaign debt, at least 75% of the committee's membership being composed of lawyers who contributed 78% of the money and some of whom individually made significant contributions. Justices Thomas Moran and Howard Ryan did not appear to have received such contributions in their last judicial campaigns.

In his petition for rehearing before the Illinois Supreme Court, Petitioner requested that Justices Miller and Calvo recuse themselves, but they participated in the decision to deny the petition for rehearing. Nothing in the order denying the petition for rehearing indicated that the continued participation of Justices Miller and Calvo was based upon the doctrine of necessity although when that doctrine is the basis for participation, the court so states.

Petitioner included in his appendix to his petition for rehearing the Campaign Disclosure Statements of Justices Miller and Calvo showing that they had received substantial lawyer gifts and loans as campaign contributions and, in particular, that Justice Miller's campaign debt retirement committee received $28,540 in attorney contributions after he became a justice, which moneys appeared to have been used to repay loans that Justice Miller had personally made to his own campaign. Petitioner again asserted that judges who received judicial campaign contributions should not participate in a decision as to whether the exemption in Rule 7-110(a) for campaign contributions was constitutional, in part, because they would be declaring that their own lawyer campaign contributors or

lawyers whose contribution gifts served to pay back a justice's campaign loans did not violate Rule 7-110(a). The four justices denied Petitioner's request for a rehearing without addressing the denial of Petitioner's due process rights.

REASONS FOR GRANTING THE WRIT

Rule 7-110(a) violates the equal protection clauses of the Constitutions of the United States and of Illinois. Under the rule, the Illinois Supreme Court expressly authorizes attorneys to make campaign loans and gifts to judges, without restriction, whether or not the lawyer donors or lenders appear before the judicial recipient on either an occasional or regular basis, even though the motive for the campaign loan or gift may be grossly improper and even though the judicial campaign loan or gift may directly affect the administration of justice. Rule 7-110(a), on the other hand, prohibits attorneys from making non-campaign loans and gifts to judges even though there is no improper motive in the making thereof and no intended or actual effect on the administration of justice.

Rule 7-110(a) creates two classes of lenders and donors for which there is no rational distinction. One is sanctioned, the other is penalized. The permitted class consists of attorneys who make campaign loans and gifts to judges. The prohibited class consists of attorneys who made non-campaign loans and gifts to judges. As a result, by rule there is a court-authorized solicitation of lawyers for judicial campaign loans and gifts which should not be permitted and is subject to great abuse, both potential and actual.

Judges have wide acquaintances among persons other than lawyers. There are many sources other than lawyers from which judges can obtain campaign funds. If there is a reason for a rule of court which expressly authorizes lawyers to make judicial campaign loans and gifts, it would appear to be because they are easy targets who cannot refuse a request for such contributions. The fact that Rule 7-110(a) expressly authorizes campaign loans and gifts from lawyers serves to make it open season on lawyers to make judicial campaign loans and gifts by those who solicit for such funds.

Just as with Petitioner, who did not even make either a loan or a gift but rather who made involuntary payments, whatever form a judicial or judicially authorized solicitation for money takes, it is extremely difficult for a lawyer to dodge the solicitation bullet and not comply. Therefore, because it creates both a penalized class and a sanctioned class for which there is no distinction, Rule 7-110(a) violates the equal protection clauses of the constitutions of both the United States and the 1970 Illinois Constitution.

As Petitioner also argued, lawyer loans or gifts in the nature of campaign contributions can have a great effect on the independence and impartiality of the judge because a judge receives direct benefits from them. Campaign contributions can mean the difference between being elected or defeated, from having a job and salary or not, from being elevated to a higher judicial office, or from receiving a pension, a higher pension or no pension (if the judge has not served a sufficient amount of time to qualify for a pension).

There also are no effective restrictions against a judge borrowing from campaign funds for personal use or using

such funds to pay family members in connection with a campaign. Wives, children, and other family members can serve as paid campaign managers, co-campaign managers, coordinators, publicists, and other paid workers at very large salaries. *See*, *Troy v. State Board of Elections*, 84 Ill.App.3d 740, 406 N.E.2d 562 (1st Dist. 1980).

As may have happened here, a judicial candidate can personally loan money to his campaign and be repaid from the contributions of lawyers who may come before or practice before him. A judge can personally guarantee a loan for his campaign, and a lawyer's contribution can, therefore, reduce the judge's personal liability on the loans. Indeed, it appears that Judge Holzer faced financial burdens because of his inability to reduce the debt incurred in his campaigns. *See*, *In re Chatz*, 131 Ill.2d 499, 546 N.E.2d 613 (1989).

There is no rational or reasonable basis for the distinction between campaign and non-campaign judicial loans and gifts. For example, as shown in Appendix E, one of the attorneys facing discipline in an Illinois Supreme Court disciplinary case involving a violation of Rule 7-110(a) entitled *In re Corboy*, 124 Ill.2d 29, 528 N.E.2d 694 (1988), Philip Corboy, had donated money to Justice Miller's election campaign. In addition, after Justice Miller's election, six members of Mr. Corboy's law firm each donated funds to an entity called the "Committee to Retire Justice Miller's Campaign Debt" at the time that Mr. Corboy's case came before or was about to come before the Illinois Supreme Court. According to Appendix F, these funds appear to have gone directly to repay, in part, a loan which Justice Miller himself had made to his own campaign. Justice Miller participated and voted in the *Corboy* decision in which the court discharged the complaint against respondent Corboy without sanction

despite finding that Mr. Corboy had violated Rule 7-110(a) by making a loan to the presiding judge of the First Municipal District of the Circuit Court of Cook County, Illinois. Although the *Corboy* decision was issued as a *per curiam* opinion, because of the collegial exchange of ideas in private, Justice Miller's contribution to the outcome of the *Corboy* decision may never be known. *Aetna Life Insurance Co. v. Lavoie*, 475 U.S. 813, 833, 89 L.Ed.2d 823, 106 S.Ct. 1580, 1591 (1986) (Blackmun, J., concurring in the judgment).

Indeed, the *Corboy* decision is at odds with the Illinois Supreme Court's opinion suspending Petitioner since the same factors cited in mitigation in *Corboy*—the fact that the attorneys acted without the guidance of precedence or settled opinion and the outstanding reputations of the attorneys in question—are present in Petitioner's case. 528 N.E.2d, at 701. The factors cited in aggravation against Petitioner—the fact that there were pending cases and the failure to disclose the financial tie to opposing attorneys—were also present in *Corboy* but not addressed. App. A, at 7-8. In fact, the Illinois Supreme Court made no attempt to distinguish *Corboy* from Petitioner's situation despite the similarity of the two cases.

The proffered explanation by the four justices (with Justice Calvo writing the Opinion) for the distinction between campaign and non-campaign loans and gifts is unsound, ignores the existence of a state statute and court rule, and demonstrates that the court itself could find no rational basis for the distinction. The Opinion clearly struggled to find a reason.

Justice Calvo in the Opinion reasoned that disparate treatment of campaign and non-campaign gifts and loans was justified because there was public disclosure of campaign contributions under the Illinois Disclosure of Cam-

paign Contributions and Expenditures Act (the "Campaign Disclosure Act"), Ill. Rev. Stat., 1987, ch. 46, par. 9-1, *et seq.*, but that there was no similar disclosure for non-campaign loans and gifts. Therefore, the Opinion reasoned that because there was disclosure of lawyer loans or gifts to judicial campaigns, the exemption from Rule 7-110(a) for those types of gifts was constitutional. The Opinion is incorrect for several reasons.

First, the Opinion is incorrect that non-judicial campaign loans and gifts are not disclosed. They are. Non-campaign gifts are in fact required to be publicly disclosed by the recipient under Article 4A of the Illinois Governmental Ethics Act (the "Ethics Act"), (Ill. Rev. Stat. 1987, ch. 127, par. 604A-101, *et seq.*) without the attorney who made the loan doing anything. Copies of such reports are available to the public. Ill. Rev. Stat. 1987, ch. 127, par. 604A-101 *et seq.* Non-campaign judicial loans are required to be disclosed under Illinois Supreme Court Rule 68. Again, copies of such reports are available to the public for examination. Thus, opposing counsel has access to the same knowledge of the existence of non-campaign gifts or loans to a judge as he has in the case of judicial campaign gifts or loans. Disclosure, therefore, cannot be the basis for treating campaign contributors differently from other donors because, by statute and rule, the disclosure is virtually the same.

Second, contrary to the Opinion, opposing counsel does not necessarily have knowledge of campaign gifts or loans, but merely the possibility of access to such knowledge. The Campaign Disclosure Act requires a request for campaign information to be made in writing on an identification form filled out by the person examining the campaign report. The campaign committee of the judge is notified of any such request. Ill.Rev.Stat. 1987, ch. 46, par. 9-17.

The *en terrorem* effect on any lawyer who considers making such an information request is obvious because the lawyer knows that the fact that the request is being made is communicated to the judge's campaign manager who may communicate the information to the judge (or the judge may even be his own campaign manager).

The Campaign Disclosure Act places the burden of disclosure on the judge, not the campaign donor or lender, and puts the burden of seeking such information on opposing counsel when the judge before whom he will be appearing would most likely be notified of and possibly offended by such action. Meanwhile, the Opinion for the first time puts the burden on the attorney who makes a non-campaign gift or loans, to disclose in some unspecified fashion the gift or loan or face discipline, even though Rule 7-110(a) does not state such a requirement and contains no mechanism for making such disclosure. Again, attorneys making campaign contribution gifts or loans are treated differently from other attorneys who make donations.

Third, Rule 7-110 (a) does not state to whom disclosure is to be made, contains no means and makes no provision for disclosure in the case of non-campaign loans and gifts. The court promulgated Rule 7-110(a). Although Rule 7-110(a) does not so state, the fact that the Opinion holds that because campaign contributions and loans are publicly disclosed, their making does not violate Rule 7-110 is not a rational basis for distinction because in Rule 7-110(a) lawyers are not told that disclosure means no violation and because Rule 7-110(a) provides no disclosure mechanism and exemption for lawyers who make non-campaign loans and/or gifts. If disclosure is the key to non-violation of any portion of the rule, then Rule 7-110(a) should expressly so state, describe to whom disclosure is to be

made, contain some method by which disclosure of non-campaign judicial loans and gifts can be made and state that there is an exemption from violation of the rule if disclosure is made pursuant to the method provided. Since Rule 7-110(a) contains no such provisions, despite the Opinion's rationale, the rule still leaves two unequal classes, only one of which (non-campaign loans and gifts) is punished. There is no reason for the Opinion's distinction. For this reason also, Rule 7-110(a) is, therefore, unconstitutional. Additionally, this is the first time that the court has held that non-disclosure is the key to non-violation of Rule 7-110(a). Respondent should not be sanctioned for not knowing that if there had been disclosure, there was no violation.

Equally importantly, Petitioner was denied due process because Justices Miller and Calvo should not have participated in this case in deciding whether campaign gifts and loans from attorneys should be treated differently than non-campaign gifts and loans because they both received substantial campaign contributions from lawyers. Justice Miller also should not have participated because, after his election, he appears to have received substantial donations from attorneys to retire his campaign debt, which moneys appear to have been used, in whole or in part, to repay loans that he appears personally to have made to his own campaign committee. If that is true, it means that he possibly received lawyer-contributed campaign money personally. If that is so, Justice Miller had a direct stake in finding that donors to his judicial campaigns had not violated Rule 7-110(a) by upholding the Rule 7-110(a) exemption for campaign contributions. The fact that lawyer-campaign contributions presumably enabled Justice Calvo to be elected gives him an almost equally direct stake.

A state cannot exclude a person from the practice of law in a manner which offends either the due process clause or the equal protection clause. *Schware v. Board of Bar Examiners of State of New Mexico*, 353 U.S. 232, 1 L.Ed.2d 796, 77 S.Ct. 752 (1957). Due process requires a fair, impartial and unbiased tribunal. *Goldberg v. Kelly*, 397 U.S. 254, 25 L.Ed. 2d 287, 90 S.Ct. 1011 (1970); *In re Murchinson*, 349 U.S. 133, 99 L.Ed 942, 75 S.Ct. 623 (1955). "The neutrality requirement helps to guarantee that life, liberty and property will not be taken on the basis of an erroneous or distorted conception of the facts or law," while at the same time, "ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbitrator is not predisposed to find against him." *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242, 64 L.Ed. 2d 182, 100 S.Ct. 1610, 1613 (1980). Because of the participation of Justices Miller and Calvo, Petitioner did not have such a tribunal here.

Beginning with *Tumey v. Ohio*, 273 U.S. 510, 71 L.Ed. 749, 47 S.Ct. 437 (1927), this Court has made clear that persons with substantial pecuniary interests in legal proceedings should not adjudicate those disputes. In order to disqualify an arbitrator, the financial stake need not be as direct or positive as it appeared to be in *Tumey*. *Gibson v. Berryhill*, 411 U.S. 564, 36 L.Ed. 2d 488, 93 S.Ct. 1689, 1698 (1973), *citing*, *Ward v. Village of Monroeville, Ohio*, 409 U.S. 57, 34 L.Ed. 2d 267, 93 S.Ct. 80 (1972). "This requirement of neutrality has been jealously guarded by this Court." *Marshall v. Jerrico, Inc.*, 446 U.S. at 242, 100 S.Ct. at 1613. Due process may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties. *In re Murchin-*

son, 349 U.S. 133, 136, 99 L.Ed. 942, 75 S.Ct. 623, 625 (1955). The issue is whether the circumstances "would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear and true * * *." *Tumey v. Ohio*, 273 U.S., at 532, 47 S.Ct., at 444.

Justices Miller and Calvo clearly had a "direct, personal, substantial, [and] pecuniary interest" in upholding the exemption contained in Rule 7-110(a). *Tumey v. Ohio*, 273 U.S. at 523, 47 S.Ct. at 441. As revealed in Appendix F, after his election Justice Miller appears to have received $28,540 in 1985 to retire his 1984 campaign debt. Judge Miller's original disclosure statement reveals that he had loaned his campaign $62,977.36. App. E. The $28,540 was transferred "to another account of Justice Miller" so it appears that the funds were used to repay Justice Miller's loan to his own campaign. App. F. Approximately seventy-five (75%) percent of the donors listed on the disclosure statement for the Committee to Retire Justice Miller's campaign debt are registered as attorneys in Illinois, and they donated approximately seventy-eight (78%) percent of the funds which Justice Miller may have received personally. App. H. Furthermore, Justice Miller's campaign committee still owes him a substantial sum of money, and nothing precludes future solicitations from attorneys to retire this debt, particularly now that the Opinion by implication sanctions that practice. Judicial campaign committees and committees to retire judicial campaign debt sometimes go on for very long periods of time.

Thus, Justice Miller's ability to retire his campaign debt and be repaid turned and may continue to turn upon the validity of the distinction between campaign and non-cam-

paign gifts and loans contained in Rule 7-110(a). There was a temptation not to hold the balance nice, clear and true. The Opinion upholding the constitutionality of Rule 7-110(a) substantially advanced Justice's Miller's opportunity to attain a goal (retirement of his campaign debt) even though that goal was not actually attained through the disciplinary proceedings against Petitioner. *Aetna Life Insurance Co. v. Lavoie*, 475 U.S. 813, 830, 89 L.Ed. 2d 823, 106 S.Ct. 1580, 1589-90 (1986) (Brennan, J., concurring).

Justice Miller's stake in the outcome of the Illinois Supreme Court's decision was more direct and positive than the adjudicators' stakes in *Ward* or *Gibson*. In *Ward*, this court invalidated a procedure under which sums received as fines imposed by a mayor's court accounted for substantial revenues of the municipality although the mayor himself did not receive any direct, pecuniary benefit. The court found the requisite "possible temptation" necessary for disqualification "when the mayor's executive responsibilities for village finances may make him partisan to maintain the high level of contribution from the mayor's court." 409 U.S., at 60, 93 S.Ct., at 83. In *Gibson*, this court found a sufficient interest to disqualify members of a state board of optometry who were practicing optometrists from hearing charges filed against competing optometrists.

While Justices Miller and Calvo were only two of the four justices who joined in the Court's decision, their votes were decisive. Under Article VI, Section 3 of the 1970 Illinois Constitution, the concurrence of four judges is necessary for a decision of the Illinois Supreme Court. Thus, the "appearance of justice" will best be served by vacating the decision and remanding the cause for further proceedings. *Aetna Life Insurance Co. v. Lavoie*, 475

U.S. 813, 828, 89 L.Ed. 2d 823, 106 S.Ct. 1580, 1588-89 (1986).[2] If the Illinois Supreme Court seeks to suspend Petitioner from the practice of law for calling into question the impartiality and independence of a judge, then that court should be held to the same standard of impartiality and independence. As this Court has often noted, "justice must satisfy the appearance of justice." *Offutt v. United States*, 348 U.S. 11, 14, 99 L.Ed. 11, 75 S.Ct. 11, 13 (1954). This is particularly true in attorney disciplinary actions because "for most attorneys the license to practice law represents their livelihood, loss of which may be a greater punishment than a monetary fine." *Erdmann v. Stevens*, 458 F. 2d 1205, 1209-10 (2d Cir. 1972). Petitioner has been deprived of his livelihood in a proceeding offensive to due process and by a rule which violates equal protection.

---

[2] A decision by the Illinois Supreme Court on remand, without the participation of Justices Miller and Calvo is certainly attainable. While Justices Ward, Clark and Stamos did not participate in the original decision, nothing precludes their participation in the decision on remand. In fact, Justice Moran took no part in denying the Administrator's motion for interim suspension of Petitioner but did participate in the later decision on the merits.

CONCLUSION

Petitioner has not been afforded an opportunity to test the constitutionality of the Illinois Supreme Court's disciplinary Rule 7-110(a) before an unbiased, impartial tribunal. Accordingly, this Court should grant a writ of certiorari, reverse the decision below, and remand the cause to afford Petitioner his due process and equal protection rights.

Respectfully submitted,

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89- 1406

Supreme Court, U.S.
FILED
MAR 5 1990
JOSEPH F. SPANIOL, JR.
CLERK

No.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1989

BERNARD S. NEISTEIN,

Petitioner,

v.

ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION,

Respondent.

APPENDICES TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS

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APPENDICES TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS

APPENDIX A

[FILED OCTOBER 25, 1989]

Docket No. 67739—Agenda 10—May 1989.

In re BERNARD S. NEISTEIN, Attorney, Respondent.—
In re IRVIN F. RICHMAN, Attorney, Respondent.

JUSTICE CALVO delivered the opinion of the court:

On September 10, 1986, the Administrator of the Attorney Registration and Disciplinary Commission (ARDC) filed a complaint charging respondents with violations of Disciplinary Rules (DR) 7-110(A), 1-102(A)(2), 1-102(A)(4), and 1-102(A)(5), and Canon 9 of the Illinois Code of Professional Responsibility (1977) (the Code). The Hearing Board filed a report finding both respondents had violated DR 7-110(A) by making payments on Judge Holzer's loan and recommending the suspension of both respondents from the practice of law for a period of 30 months. The Review Board agreed with the Hearing Board.

Respondents filed their exceptions to the recommendation of the Hearing Board on January 20, 1988. The motion of respondents to have their exceptions to the Hearing Board report and recommendations stand as their exceptions to the report and recommendations of the Review Board was allowed September 28, 1988. The Administrator also filed exceptions to the findings of both the Hearing Board and the Review Board.

The issues presented for review are whether the conduct of respondents violated DR 7-110(A) of the Code and, if so, what sanction, if any, should be imposed. Respondents were licensed to practice law in Illinois in 1937.

After his admission, Bernard S. Neistein entered general sole practice in Chicago. He joined the Army in 1942 and served in the European Theatre in World War II. He resumed his practice after the war and established a partnership with respondent Irvin F. Richman in 1956. They have practiced law together since then.

Respondent Neistein is a former Illinois State Senator and Representative. During his tenure, he helped pass the Judicial Reform Bill. He also served as a master in chancery in the early 1960s.

Respondent Richman worked with several lawyers in private practice before he joined the United States Army and was stationed in Europe and North Africa. He worked for individual lawyers after the war until about 1950. He then joined a prominent Chicago law firm and was there until he joined respondent Neistein in 1956. Respondents' firm had grown to include approximately 15 attorneys by 1980.

Neistein's role in the firm has been to attract business, while Richman's role has been that of managing partner. He also considers himself as a transactional lawyer handling matters involving real estate, business law and corporations. The firm's business has concentrated in those areas, plus banking. The firm was involved in frequent litigation in the chancery division of the circuit court of Cook County due to the nature of the practice.

In 1980, the respondents and their firm owned 25% of the stock of Republic Bank of Chicago, 6501 South Pulaski, Chicago. Richman was a director of the bank commencing in the early 1970s and was given the task of negotiating a sale of the bank in 1977. He began negotiating with a prospective purchaser in April 1983 resulting in the sale of the bank on or about October 31, 1984. The respondents realized a profit of $325,000 or $345,000 each.

Neistein first met Reginald J. Holzer during the 1950s and would see him at the Bismark Hotel coffee shop in the mornings and exchange greetings. Neistein never became a social friend and neither he nor Richman ever appeared in court before Holzer. Their partner, Harry Young, was responsible for litigation and appeared before Holzer and the other judges in the chancery division. Between 1978 and 1982, the firm appeared as counsel of record before Holzer in 14 cases.

At the end of 1979 or early in 1980, Neistein met Holzer in the Civic Center and Holzer said he would phone him soon, as he wanted to talk. Holzer phoned Neistein and invited him to his chambers a week or two later. Holzer related he was not "liquid" and needed a $10,000 loan. Neistein said he would get back to him. Neistein went to the office and discussed the matter with Richman. They decided to have Holzer apply to the Republic Bank for a loan. Richman phoned Marvin E. Schatzman, president and chief executive officer of the Republic Bank, asking him to send the necessary paperwork to Holzer for a $10,000 loan. The bank sent the papers to Holzer for completion. After reviewing Holzer's net worth statement, Schatzman approved the loan and sent a note to Holzer for execution. Holzer phoned Neistein and said, 'I've got a note." Neistein walked over, met Holzer and took an envelope from Holzer containing the note. Neistein placed the envelope on Richman's desk, who opened it and noted Holzer had signed it and listed his home address. Richman crossed out the home address and substituted "Richard J. Daley Civic Center" because businessmen usually like banking documents sent to their office. He then mailed the note to the bank on or about March 28, 1980.

Holzer failed to make the interest payment due June 28, 1980. Richman saw the delinquency on the bank's

monthly report and ran to Neistein's office saying, "Hey, look at this. Holzer is already in default on that loan. You better get over there and tell him to make his payment." Neistein told the judge he had not made the payment. Holzer replied, "Well, I'm still not liquid and I'm broke. Make the payment." Holzer then told Neistein to pay the principal and interest. Neistein did not respond and returned to his office. He and Richman decided to make the payment, noting, "What we decided to do was we would preserve the integrity of the bank and we decided that we would make the payment."

Thereafter, each respondent contributed half the money to pay interest of $335.07 and principal of $500 and purchased two money orders at the American National Bank, located in the same building as their office. Richman took the money orders and printed "Pay to the order of Republic Bank" on each as well as the name Reginald Holzer. He then printed Holzer's loan number on them and mailed the checks to the Republic Bank.

Later, Holzer called Neistein to his chambers and said, "I got a notice from the bank, a white slip, take care of it." Neistein returned to the office and talked to Richman. They made the payment, following the same procedure as before and continued to do so through June 23, 1981, paying a total of $8,770.67. Apparently, Holzer made the remaining payments himself until the loan was paid. Respondents claim Holzer stopped asking them to make payments after June 23, 1981.

As a result of these dealings with Holzer, the Administrator filed a complaint against respondents, charging them with the following misconduct:

(1) giving or lending a thing of value to a judge in violation of DR 7-110(A) of the Illinois Code of Professional Responsibility (1977);

(2) circumventing a disciplinary rule through the actions of another in violation of DR 1-102(A)(2) of the Illinois Code of Professional Responsibility (1977);

(3) engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of DR 1-102(A)(4) of the Illinois Code of Professional Responsibility (1977);

(4) engaging in conduct that is prejudicial to the administration of justice in violation of DR 1-102(A)(5) of the Illinois Code of Professional Responsibility (1977); and

(5) failing to avoid even the appearance of professional impropriety in violation of Canon 9 of the Illinois Code of Professional Responsibility (1977).

The Hearing Board found respondents violated DR 7-110(A) by making payments on Judge Holzer's loan. The Board found:

> (1) "Respondents contend that their elaborate clandestine operation to keep this transaction secret was to prevent the bank from finding out. While they may have done it partly for this reason, they also did it because they knew it was wrong. They are both intelligent, sophisticated street-wise attorneys with almost 100 years of legal experience between them yet they would have us believe that neither of them ever considered that Judge Holzer would treat their firm differently because of these payments. Worse than that, they never bothered to check what cases, if any, their firm had before Holzer. We simply cannot believe they were so naive."
>
> (2) "[Respondents] compounded their error by falsifying the checks, thereby deceiving the Bank, its stockholders and the public."
>
> (3) "Respondents argue they did this because a collection suit against a judge would be the worst thing that could happen to the Bank. We are not convinced

of this but even if it were true, it does not provide an excuse for making his loan payments."

(4) "We are aware that Respondents have a long unblemished record of legal service to the community. However, the violations before us are very serious. In view of all the circumstances we recommend that both Respondents be suspended from the practice of law for a period of 30 months."

The Review Board concurred with the findings of fact and conclusions of law of the Hearing Board and also recommended the respondents be suspended from the practice of law for a period of 30 months.

While we give due deference to the Board's findings as to the appropriate sanction, as well as to the finding of the violation itself, we note that final responsibility for making these determinations rests with this court. (*In re D'Angelo* (1988), 126 Ill. 2d 45, 52; *In re Harris* (1982), 93 Ill. 2d 285, 291-92.) The purpose of discipline is not to punish the attorney, but to maintain the integrity of the profession and to protect the public. (*In re Pappas* (1982), 92 Ill. 2d 243, 247; *In re Neff* (1980), 83 Ill. 2d 20, 25.) Although this court strives for uniformity in disciplinary actions (*In re Saladino* (1978), 71 Ill. 2d 263, 275; *In re Lane* (1989), 127 Ill. 2d 90, 108), each case is unique and must be evaluated on the facts presented (*D'Angelo*, 126 Ill. 2d at 53; *In re Leonard* (1976), 64 Ill. 2d 398, 404).

Additional facts which developed were as follows:

(1) At no time were opposing counsel, in any firm case before Holzer, ever informed of respondents' payments for the judge.

(2) At no time was Judge Holzer's recusal sought in any firm cases pending before him.

(3) Respondents never received any repayment from Holzer.

(4) Respondents never brought Holzer's conduct to the attention of the United States Attorney, Cook County State's Attorney, or the Judicial Inquiry Board or the ARDC.

Both respondents testified before the Federal grand jury relative to a criminal investigation of Judge Holzer after receiving immunity from the government. They also testified in Holzer's trial. Holzer was found guilty February 18, 1986, and sentenced to prison. However, he was found not guilty of extortion as to respondents.

In considering the evidence in this case and reasonable inferences to be drawn therefrom, we feel the Hearing Board's findings, with concurrence of the Review Board, that respondents violated DR 7-110(A) to be supported by clear and convincing evidence.

Having found respondents violated DR 7-110(A), we must next decide the appropriate sanction.

It is obvious respondents' payments on Judge Holzer's loan called into question the independence and impartiality of a judge before whom members of their firm regularly appeared. The making of a loan to a sitting judge (or making payments on his loan) erodes and damages the public confidence in the bar, the judiciary and the entire legal system. See *In re Ketchum* (1988), 124 Ill. 2d 50.

Two factors aggravate respondents' misconduct, as said factors similarly aggravated the violation of DR 7-110(A) found in *In re Lane* (1989), 127 Ill. 2d 90. First, because of the nature of their law practice, respondents knew their firm's cases were regularly heard in the chancery division of the circuit court of Cook County where Judge

Holzer sat. Even if respondents were arguably unaware the firm had cases before Holzer, they should have realized their firm would have cases before him in the future. Therefore, it was incumbent upon respondents to be particularly careful in their dealings with Holzer. *In re Lane*, 127 Ill. 2d at 109.

Second, respondents knew that a judge owed them a substantial sum of money. Yet, at no time did respondents ever disclose to any party in any case they had direct financial ties to the presiding judge (Judge Holzer).

Counsel for respondents contend DR 7-110(A) is unconstitutional. They contend since DR 7-110(A) provides for an exemption for campaign contributions and loans as of July 1, 1980, without regard to the motive with which they are made or whether they are intended to influence, DR 7-110(A) violated amendment XIV, section 1, of the United States Constitution and article I, section 2, of the Illinois Constitution equal protection clauses.

The Illinois Constitution, article VI, section 13(a), states: "The Supreme Court shall adopt Rules of conduct for Judges and Associate Judges."

In carrying out the mandate of article VI, section 13(a), it was certainly reasonable to provide for an exception as to gifts and loans to a judge for campaign purposes. All judges are treated equally and fairly by the rule; the integrity of the legal profession is upheld, as the gifts and loans are publicly disclosed and donors are also treated fairly and equally.

Under the Disclosure of Campaign Contributions and Expenditures Act, enacted by the General Assembly in 1974, all candidates and their campaign committees are required to report their loans and campaign contributions;

copies of said reports are then available to the public. (Ill. Rev. Stat. 1987, ch. 46, par. 9-1 *et seq.*) This public disclosure results in all attorneys being aware of who contributed or made loans to a judge. Thus, opposing counsel has knowledge of any campaign gifts or loans, whereas the respondents in this case made their loans to Judge Holzer without disclosure to even their partners and in a manner to make knowledge of their payments unavailable to anyone, even the recipient bank.

We find DR 7-110(A) to be constitutional.

In considering the facts of this case, and for the reasons stated herein, this court orders that respondents be suspended from the practice of law for 30 months.

Respondents suspended.

JUSTICES WARD, CLARK and STAMOS took no part in the consideration or decision of this case.

APPENDIX B

ILLINOIS SUPREME COURT
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December 4, 1989

Mr. Harry A. Young, Jr.
Neistein, Richman, Hauslinger & Young
33 N. LaSalle St., S#2000
Chicago, IL 60602

No. 67739—In re: Bernard Neistein & Irvin Richman. Disciplinary Commission.

The Supreme Court today DENIED the petition for rehearing in the above entitled cause.

Ward, Clark, and Stamos, JJ., took no part.

The mandate of this Court will issue to the appropriate Appellate Court and/or Circuit Court or other agency on December 14, 1989.

APPENDIX C

BEFORE THE REVIEW BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of:

BERNARD S. NEISTEIN,
No. 2028093,

and

IRVIN F. RICHMAN,
No. 2331241,

Attorneys-Respondents.

Administrator's No. 86 CH 214

REPORT AND RECOMMENDATION OF THE REVIEW BOARD

After full consideration and review of all matters of record, the Review Board concurs with the findings of fact and conclusions of law of the Hearing Board and recommends that the Respondents be suspended from the practice of law for a period of thirty months.

The Report and Recommendation of the Hearing Board is attached.

Respectfully submitted,

Watts C. Johnson, Chairman
Herbert J. Bell
Michel A. Coccia
C. William Fechtig
John C. Menk
Martin L. Silverman
Marshall A. Susler

Members, Review Board

This matter decided May 14, 1988.

APPENDIX D

[FILED DECEMBER 28, 1987]

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of:

BERNARD S. NEISTEIN,
No. 2028093,

and

IRVIN F. RICHMAN,
No. 2331241,

Attorneys-Respondents.

Administrator's No. 86 CH 214

REPORT OF THE HEARING PANEL

This matter was heard before Panel 5 of the Hearing Board on May 27, 1987, and July 15, 1987.

PLEADINGS

The Complaint alleges Respondent Neistein was licensed to practice law on December 16, 1937, and Respondent Richman was licensed to practice law on June 10, 1937.

The Complaint further alleges Respondents were partners in the law firm of Neistein, Richman, Hauslinger & Young during 1979 and 1980. All four partners also owned 25% of the stock of the Republic Bank of Chicago. In late 1979 Judge Reginald Holzer met with Neistein in his chambers and told Neistein that he needed a $10,000.00 loan. Neistein told Richman and they decided the loan should be made by the Republic Bank. Neistein had Holzer sign a Promissory Note to the Bank and the Bank issued a $10,000.00 check to Holzer. On approximately 8 occasions, Respondents purchased money orders, Richman signed Holzer's name to them and then mailed them to the Bank as payments on the loan. Thereafter, Neistein took the money orders to Holzer for his signature before mailing them. From 1980 to 1981 they paid approximately $8,770.00 on Holzer's loan and Holzer never repaid any of it.

During this time Respondents' law firm had approximately 14 cases pending before Holzer and they never revealed this transaction to opposing counsel.

In their answer, Respondents admit the facts of the Complaint are substantially accurate. They further contend the Bank made an independent decision to make the loan and their decision to make payments on it was in response to demands by the Judge. In addition, the Bank was for sale and the publicity of a collection suit against a prominent Judge could endanger negotiations. Finally they never received any favorable treatment from the Judge.

EVIDENCE

The evidence consists of the testimony of 10 witnesses and 30 Exhibits.

Respondent Neistein testified that except for a brief meeting with Holzer in the 1950s, he did not know the Judge. He never appeared before Holzer on a case. In late 1979, Holzer came up to him, arranged a meeting in his chambers and asked for a $10,000.00 loan. He discussed the request with Mr. Richman and later that week told the Judge he could apply at the Republic Bank. He did not bring any papers to the Judge or ask the Bank to send any papers.

In early 1980, the Judge called him again, told him he had a note and gave it to him. Neistein gave it to Richman without looking at it. In June, 1980, Richman told him the Judge was delinquent on his first payment. He went to see the Judge who told Neistein to make the payment because he was broke. After discussing it with Richman, they decided to make the payment. He took his personal funds and gave them to Richman who purchased a money order. On 8 to 12 subsequent occasions Holzer would call him and demand that he make a payment. On each occasion he would put up half the funds and Richman would put up the other half and purchase the check. After about 5 or 6 times, he would take the checks to Holzer. He never made a payment except in response to a demand by Holzer. He never told anyone except Mr. Richman about this transaction and never asked for or received any favorable treatment because of it. A total of $7,000.00 or $8,000.00 was paid by them on the loan.

He also testified he was graduated first in his law school class, had been a partner of Mr. Richman for over 30 years, had been active in politics for many years and a state senator for 16 years. He also stated he does not know and did not ask what cases his firm had before Judge Holzer. He testified in the Holzer trial under a grant of immunity.

Mr. Richman testified he did not know Judge Holzer and never appeared before him. The law firm had 17 or 18 attorneys and he was the managing partner. He and his 3 partners own about 25% of the stock of the Republic Bank and he was a member of the board of directors for approximately 12 years. He would frequently refer people who wanted a loan to the Bank. Some would be approved and others would not. He has no independent recollection of calling on the Holzer loan but his usual practice was to call Mr. Schatzman, the Chairman, and ask him to send a blank application and financial statements to the applicant.

After the initial discussion with Neistein, he heard nothing about the Holzer loan until he found the note on his desk, which he simply mailed to the Bank. When he received his information package for the July, 1980, directors' meeting he noticed the Holzer loan was delinquent and told Neistein to tell Holzer to pay it. Later, Neistein told him that Holzer told Neistein to pay it.

In 1977, he was commissioned by the Bank board to try to sell the Bank. Because that is a sensitive matter and because he wanted to get the best possible price, he was concerned that the publicity surrounding a collection suit against a prominent judge would scare off prospective purchasers. For that reason, he and Neistein decided they would make the payment for Holzer. They each put up half the money, he purchased a money order, printed Holzer's name on it and mailed it to the Bank. Whenever Neistein would bring him a payment notice he would follow the same procedure. He was careful to disguise his writing and address, stamp and mail the envelope himself so no one at the Bank would know he was making the payment. He never told anyone about this and tried to keep it a secret. After a time he refused to print Holzer's

name on the money orders and told Neistein to have Holzer sign them himself.

He was aware his firm had some cases before Judge Holzer but there was no connection between this transaction and the cases. He felt that Holzer might retaliate against the clients if Neistein refused to make a payment. He never asked for or received any favorable rulings because of this transaction.

Michael Bilandic testified he has known Richman since 1950, and Neistein since 1955. They both have an excellent reputation for honesty, truthfulness and integrity. He is aware of the charges against them and that does not change his opinion. Judge James Murray testified he has known Neistein for about 30 years and he has the highest reputation for truthfulness and integrity. Louis Galante testified he has known Richman for about 20 years and he is an honorable person with high moral standards.

Rabbi Stanley Kroll, Judge Warren Wolfson and businessman, Gerald Zaidman, also testified to the excellent reputations of Respondents. They all know of the charges against them and that did not change their opinion.

Theodore Siorek testified he was one of the founders of the Republic Bank of Chicago and is currently its senior vice president. He is also the founder of several other banks, on the boards of several others and a stockholder in other banks. He has been involved with the purchase and sale of banks on several occasions.

In his opinion, the buyers of a new bank would look for solid liquidity, nondelinquent loans and most importantly, a good reputation. One delinquent $10,000.00 loan would not have damaged the prospect of a sale but the publicity of a collection suit against Judge Holzer would

have created a negative aspect and impaired the dollar value of the Republic Bank.

Marvin Schatzman testified that he is Chairman of the Board and CEO of the First Suburban National Bank. Prior to that he was Chairman of the Board of the Republic Bank of Chicago. He would frequently receive loan referrals from board members and stockholders. In 1980 he received a telephone call from Richman stating Judge Holzer wanted a $10,000.00 loan. He then had the necessary forms mailed to the Judge. He received a financial statement from Mr. and Mrs. Holzer, ordered a credit check on them and based on this information, granted him the loan. He had loan approval authority up to $30,000.00. He also testified he has known both Respondents for over 50 years and believe them to be of high moral character.

FINDINGS AND RECOMMENDATION

We are concerned about the activities of Respondents relating to the making of this loan to Judge Holzer. The fact that both Respondents acted as intermediaries in delivery of loan documents disturbs us because it tends to indicate more than an arms length involvement in the transaction. However, we find the Administrator has not proved by clear and convincing evidence that this activity constitutes a violation of the Code of Professional Responsibility.

We do find that both Respondents have violated Rule 7-110 by making payments on Judge Holzer's loan. While we find no specific intent to influence the Judge on any specific case, this intent is not necessary for a violation to occur. Here the breadth and scope of their activities were sufficient to violate the rule. We understand that these payments were not completely voluntary. There was some coercion by the Judge. However, Respondents had

several other courses of action open to them but chose this one and must now suffer the consequences.

Respondents contend that their elaborate clandestine operation to keep this transaction secret was to prevent the Bank from finding out. While they may have done it partly for this reason, they also did it because they knew it was wrong. They are both intelligent, sophisticated, street-wise atttorneys with almost 100 years of legal experience between them yet they would have us believe that neither of them ever considered that Judge Holzer would treat their firm differently because of these payments. Worse than that, they never bothered to check what cases, if any, their firm had before Holzer. We simply cannot believe they were so naive.

Furthermore, they compounded their error by falsifying the checks, thereby deceiving the Bank, its stockholders and the public.

Finally, Respondents argue that they did this because a collection suit against a judge would be the worst thing that could happen to the Bank. We are not convinced of this but even if it were true, it does not provide an excuse for making his loan payments.

We are aware that Respondents have a long unblemished record of legal services to the community. However, the violations before us are very serious. In view of all the circumstances we recommend that both Respondents be suspended from the practice of law for a period of 30 months.

/s/ James M. Murray
James M. Murray, Chairman

/s/ Algis K. Augustine
Algis K. Augustine

/s/ Eleanor Y. Guthrie
Eleanor Y. Guthrie

APPENDIX E

GROUP EXHIBIT A

FORM D-3 **RECORD OF INSPECTION OF CAMPAIGN DISCLOSURE DOCUMENTS**

Committee Number 2814-10

Committee Name Committee for Judge Miller

Pursuant to Chapter 46, Article 9-17 of the Illinois Revised Statutes, the following person has inspected the reports of the above named committee.

Maureen B. Beyer
Name of person making inspection (please print)

33 N. LaSalle — Chicago IL
Address — City

782-2555
Telephone Number

Paralegal — Bernard Neistein
Occupation and name of employer of person making inspection

The reason for this inspection is: Research

10/26/89 — Maureen B. Beyer
Date — Signature of person making inspection

(A duplicate copy will be forwarded to political committee whose records have been inspected.)

* * * * *

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

AUDIT DIST. S-10 IDENTIFICATION NO. 2814

DATE October 23, 1984

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

COMMITTEE FOR JUDGE MILLER
P.O. Box 2270
Springfield, Illinois 62705

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Kirkland & Ellis 200 E. Randolph Drive Chicago, Illinois 60601	10/23/84	$ 500.00

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Illinois Republican State Committee	9/4/87	$ 2,400.00
Services of Gary Maher, Consultant 500 South Douglas Springfield, Illinois 62704	10/2/84	$ 3,000.00
Citizens for Vinson P.O. Box 466 Clinton, Illinois 61727	10/18/84	$ 500.00
* * * * *		
Mullen, Clancy and Associates, Ltd. Attorneys at Law 69 W. Washington, Suite 2300 Chicago, Illinois 60602	10/17/84	$ 500.00
* * * * *		
Benjamin K. Miller 1918 Jeanette Lane Springfield, Illinois 62704	10/15/84	$20,000.00

SCHEDULE A
ITEMIZED RECEIPTS

INDIVIDUAL CONTRIBUTIONS, TRANSFERS, LOANS, SALES, COLLECTIONS, OTHER RECEIPTS AND IN-KIND CONTRIBUTIONS

NAME OF POLITICAL COMMITTEE
COMMITTEE FOR JUDGE MILLER

REPORTING PERIOD
FROM 7/1/84 THRU 6/30/85
I.D. No. 2814

(USE SEPARATE PAGE(S) FOR EACH NUMBERED PART)

INDICATE THE PART NUMBER OF
FORM D-2 BEING ITEMIZED:

Part 1 ☒ Part 2 ☐ Part 3 ☐ Part 4 ☐ Part 5 ☐ Part 6 ☐

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Sidney Ackerman 414 E. Monroe Spfld, Il. 62701	10/10/85	1,000.00	1,000.00
Arnstein, Gluck, Lehr, Barron & Milligan 7500 Sears Tower Chicago, Illinois 60606	3/13/85	200.00	200.00
Mrs. Maria L. Bacinich 1048 South Ocean Blvd. Palm Beach, Florida 33480	12/4/84	500.00	500.00
Paul Barker 180 East Pearson Chicago, Illinois 60611	3/13/85	400.00	400.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Morris B. Chapman, Esq. Chapman & Carlson Ltd. 1406 Niedringhaus Ave., POB 519 Granite City, Il. 62040	9/20/84	500.00	500.00
Philip H. Corboy, Esq. 33 N. Dearborn St. Chicago, Il. 60602	9/20/84	500.00	500.00
Donal Dunstall 421 W. Main Frankfort, Kentucky 40601	3/6/85	1,000.00	1,000.00
David Flatt 2300 N. 16th St. Springfield, Illinois 62702	10/18/84	250.00	250.00
Ronald J. Gidwitz Chicago, Illinois 60601	3/13/85	200.00	200.00
Denis J. Healy 5655 W. 73rd Street Chicago, Illinois 60638	1/28/85	1,000.00	1,000.00
Kirkland & Ellis 200 E. Randolph Dr. Chicago, Illinois 60601	10/23/84	500.00	500.00
P. F. Mahon, M.D. 1901 Illini Road Springfield, Il. 62704	8/27/84 11/8/84	150.00 100.00	250.00
Randall A. Mead 303 E. Wall Lexington, Ill. 61753	11/6/84	500.00	500.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Hugh C. Michels & Co. 105 W. Madison St. Rm. 1004 Chicago, Ill. 60602	3/13/85	200.00	200.00
Karl F. Nygren 1555 N. Astor, Apt. 25W Chicago, Il. 60610	10/23/84	250.00	250.00
Nat P. Ozmon, Esq. 188 W. Randolph St. Chicago, Il. 60601	12/4/84	1,000.00	1,000.00
Pfeifer & Kelty, P.C. 1300 S. 8th St., POB 1858 Springfield, Il. 62705	11/8/84	200.00	200.00
PRC Engineering 3 Illinois Center 303 E. Wacker Drive Chicago, Ill. 60601	3/13/85	500.00	500.00
Pretzel & Stouffer, Chartered 1 South Wacker Drive Suite 2500 Chicago, Ill. 60606-4673	6/28/85	2,500.00	2,500.00
Don & Jeannette Reuben 19 So. LaSalle St. Chicago, Il. 60603	9/20/84	500.00	500.00
Reuben & Proctor 19 So. LaSalle St. Chicago, Il. 60603	9/20/84	1,000.00	1,000.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Allan Reyhan 2100 E. Moffat Springfield, Il. 62702	11/8/84	500.00	500.00
Alyce F. Salerno 501 Lake Avenue Wilmette, Il. 60091	3/13/85	400.00	400.00
William R. Schnirring Springfield Electric Supply Co. 719 N. 9th St. Spfld, Il. 62702	1/28/85	250.00	250.00
Dick Spada Baker Engineering, Inc. 1 E. Wacker Dr. Suite 2700 Chicago, Il. 60601	3/13/85	300.00	300.00
W. Clement Stone 222 W. Adams Chicago, Il. 60606	3/13/85	5,000.00	5,000.00
John E. Swearingen 200 E. Randolph Chicago, Illinois 60601	3/13/85	200.00	200.00
Robert D. Winters, Esq. 1151 Citizens Bldg., POB 967 Decatur, Il. 62525	10/12/84	250.00	250.00
Harvey Traub Fairbury, Il. 61739	2/4/85	200.00	200.00
		TOTAL THIS PERIOD	$20,050.00

SCHEDULE A
ITEMIZED RECEIPTS

INDIVIDUAL CONTRIBUTIONS, TRANSFERS, LOANS, SALES, COLLECTIONS, OTHER RECEIPTS AND IN-KIND CONTRIBUTIONS

NAME OF POLITICAL COMMITTEE
COMMITTEE FOR JUDGE MILLER

REPORTING PERIOD
FROM 7/1/84 THRU 6/30/85
I.D. No. 2814

(USE SEPARATE PAGE(S) FOR EACH NUMBERED PART)

INDICATE THE PART NUMBER OF
FORM D-2 BEING ITEMIZED:

Part 1 ☐ Part 2 ☒ Part 3 ☐ Part 4 ☐ Part 5 ☐ Part 6 ☐

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Committee on Affirmative Leadership 212 So. 2nd Street Spfld, Il. 62701	11/13/84	200.00	200.00
Citizens for Austin 1509 So. 4th St. Spfld, Il. 62703	2/7/85	150.00	150.00
Chauffeurs, Teamsters & Helpers Local No. 26 POB 42 Danville, Il. 61832	10/8/84	200.00	200.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Friend of Lee Daniels 180 W. Park Ave. Elmhurst, Il. 60126	10/12/84	400.00	400.00
Citizens for Jim Edgar 200 So. 2nd St. Spfld, Il. 62701	12/6/84	500.00	500.00
Thomas W. Ewing Campaign Fund 204 N. Main St. Pontiac, Il. 61764	10/23/84	100.00	100.00
First of Spfld Government Affairs Assn. First National Bank of Springfield 5th & Adams Spfld, Il. 62701	11/13/84	50.00	50.00
General Telephone Employee Good Government Club 1312 E. Empire St. Bloomington, Il. 61701	9/11/84	100.00	100.00
Committee to Elect Karen Hasara 1505 So. Walnut Spfld, Il. 62704	10/19/84	25.00	25.00
Illinois Insurance PAC 300 Illinois Realtors Plaza Spfld, Il. 62703	11/9/84	150.00	150.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
INB of Spfld Government Affairs Assn INB Center Spfld, Il. 62701	11/8/84 1/28/85	100.00 150.00	250.00
Kelly for Clerk Committee 1115 Elmwood Road Bloomington, Il. 61701	9/11/84	25.00	25.00
Logan County Republican Fund 419 Pulaski St. Lincoln, Il. 62656	7/24/84 10/18/84	125.00 100.00	225.00
Citizens for Edward Madigan Bloomington, Illinois 61701	10/30/84	20.00	20.00
Jeffrey Mays Campaign Fund WCU Bldg., Room 802 POB 1161 Quincy, Il. 62306	7/24/84	100.00	100.00
Citizens for Jim Norris 2033 Whittier Ave. Spfld, Il. 62704	2/4/85	100.00	100.00
North Sangamon Republican Club 305 Middleburg Drive Sherman, Il. 62684	9/11/84	25.00	25.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Citizens to Elect James E. Ryan for State's Attorney 240 E. Lake St. Addison, Il. 60101	10/12/84	100.00	100.00
Sangamon County Republican Foundation P.O. Box 2270 Springfield, Il. 62705	12/3/84	6,000.00	6,000.00
Springfield Marine Bank PAC 1 E. Old State Capitol Plaza Springfield, Il. 62701	2/7/85	200.00	200.00
Michael J. Tate Campaign Fund P.O. Box 1744 Decatur, Ill. 62525	7/24/84	50.00	50.00
Teamsters Volunteers in Politics 300 So. Ashland Ave. Chicago, Ill. 60607	12/3/84	2,500.00 ($2,000.00 refunded— See Schedule B, Part 7)	2,500.00
Citizens for Vinson P.O. Box 466 Clinton, Ill. 61727	10/18/84	500.00	500.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Keith Von Qualen Campaign Fund 201 W. Mason Ave. Dwight, Ill. 60420	10/23/84	10.00	10.00
Committee to Elect Pat Ward 161 Cypress Point Springfield, Ill. 62704	2/4/85	100.00	100.00
John A. Davidson Campaign Fund 718 Myers Building Springfield, Ill. 62701	2/7/85	100.00	100.00
	TOTAL THIS PERIOD		$12,180.00

SCHEDULE A
ITEMIZED RECEIPTS

INDIVIDUAL CONTRIBUTIONS, TRANSFERS, LOANS, SALES, COLLECTIONS, OTHER RECEIPTS AND IN-KIND CONTRIBUTIONS

NAME OF POLITICAL COMMITTEE
COMMITTEE FOR JUDGE MILLER

REPORTING PERIOD
FROM 7/1/84 THRU 6/30/85
I.D. No. 2814

(USE SEPARATE PAGE(S) FOR EACH NUMBERED PART)

INDICATE THE PART NUMBER OF
FORM D-2 BEING ITEMIZED:

Part 1 ☐ Part 2 ☐ Part 3 ☒ Part 4 ☐ Part 5 ☐ Part 6 ☐

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Benjamin K. Miller	10/15/84	20,000.00	
1918 Jeanette Lane	10/29/84	34,479.04	
Springfield, Il. 62704	10/30/84	4,149.50	
	11/1/84	1,366.50	
	11/2/84	119.35	
	11/7/84 thru 12/3/84	2,862.97	62,977.36
		TOTAL THIS PERIOD	$62,977.36

SCHEDULE A
ITEMIZED RECEIPTS

INDIVIDUAL CONTRIBUTIONS, TRANSFERS, LOANS, SALES, COLLECTIONS, OTHER RECEIPTS AND IN-KIND CONTRIBUTIONS

NAME OF POLITICAL COMMITTEE
COMMITTEE FOR JUDGE MILLER

REPORTING PERIOD
FROM 7/1/85 THRU 7/31/85
I.D. No. 2814

(USE SEPARATE PAGE(S) FOR EACH NUMBERED PART)

INDICATE THE PART NUMBER OF
FORM D-2 BEING ITEMIZED:

Part 1 ☐ Part 2 ☒ Part 3 ☐ Part 4 ☐ Part 5 ☐ Part 6 ☐

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Committee to Retire Justice Ben Miller's Campaign Debt P.O. Box 4898 Chicago, Illinois 60600	7/15/85	$28,540.00	$28,540.00
		TOTAL THIS PERIOD	$28,540.00

APPENDIX F

GROUP EXHIBIT B

FORM D-3 — **RECORD OF INSPECTION OF CAMPAIGN DISCLOSURE DOCUMENTS**

Committee Number 3611-7

Committee Name Committee to Retire Justice Miller's Campaign Debt

Pursuant to Chapter 46, Article 9-17 of the Illinois Revised Statutes, the following person has inspected the reports of the above named committee.

Maureen B. Beyer
Name of person making inspection (please print)

33 N. LaSalle Suite 2000 Chicago IL
Address City

782-2555
Telephone Number

Paralegal Bernard S. Neistein
Occupation and name of employer of person making inspection

The reason for this inspection is: Legal Research

11/7/89 Maureen B. Beyer
Date Signature of person making inspection

(A duplicate copy will be forwarded to political committee whose records have been inspected.)

* * * * *

3611
S-10

(Letterhead Of)

PETERSON, ROSS, SCHLOERB & SEIDEL
200 East Randolph Drive – Suite 7300
Chicago, Illinois 60601

January 2, 1985

State Board of Elections
P.O. Box 4187
1020 South Spring Street
Springfield, Illinois 62704

Gentlemen:

Enclosed please find the Form D-1 Statement of Organization that we have prepared. We believe this is all that you require at this time, but please check and if there is anything further required, please advise the undersigned at your earliest possible convenience. Thank you for your cooperation.

Sincerely yours,

/s/ LAWRENCE X. PUSATERI

Enclosure
LXP/bk

FORM D-1 STATEMENT OF ORGANIZATION

Full name and complete mailing address of Political Committee

Committee to Retire Justice Miller's Campaign Debt
c/o Lawrence X. Pusateri, Co-Chairman
200 East Randolph Drive, Suite 7300
Chicago, Illinois 60601

IDENTIFICATION NO. 3611 AUDIT DIST. S-10

SEE ACCOMPANYING SHEET FOR INSTRUCTIONS

1. Date Statement Prepared 1/2/85
2. Date Committee Created 12/26/84
3. Amount of Funds Available for Campaign Expenditures As of the Date the Committee was Created $ -0- *(THIS CANNOT EXCEED $1000.00)*
4. If this form is used to amend previous Statement of Organization give date the last statement was prepared n/a
5. Political Committee's Area of Activity, Scope, and Party Affiliation To raise funds to retire the campaign debt of Justice Ben Miller of the Illinois Supreme Court

   A— This is ☒ A State Political Committee
   This is ☐ A Local Political Committee
   This is ☐ A State and Local Political Committee

   B— Will this committee operate statewide? yes

   C— Will this committee operate in one county only? no

   D— If B and C above are answered "No," in what counties or political area[s] will the committee operate? Throughout the state.

E— This committee will primarily ☒ Support ☐ Oppose candidates for local or state offices

F— This committee will ☐ Support ☐ Oppose questions of public policy

G— Name of political party committee is affiliated with n/a

H— County of residence of candidate Sangamon County

6. Purpose of the Political Committee To raise funds to retire the campaign debt of Justice Ben Miller of the Illinois Supreme Court.

7. Committee's Principal Officers including Chairman, Treasurer, Officers and Members of the Finance Committee

Name and Address	Position
Lawrence X. Pusateri 200 East Randolph Drive #7300 Chicago, Illinois 60601	Co-Chairman Co-Treasurer
Samuel K. Skinner One First National Plaza Chicago, Illinois 60603	Co-Chairman Co-Treasurer

8. Candidate(s) the Committee is supporting or opposing ☐ Committee is supporting entire party ticket show only party name

Name	Office	Party Affiliation
Justice Ben Miller (to retire his campaign debt) Support ☒ Oppose ☐	Ill. Supreme Court	Republican

9. Name, address, and position of each custodian of the Committee's books and accounts

Name and Address	Position
Lawrence X. Pusateri 200 East Randolph #7300 Chicago, Illinois 60601	Co-Chairman

10. All banks or other financial institutions, safety deposit boxes, and any other repositories of custodians of funds used by the Committee

Name and Address
Lawrence X. Pusateri
200 East Randolph #7300
Chicago, Illinois 60601

11. Specific disposition of residual funds in the event of the dissolution or termination of the Committee
To the campaign committee that worked for the election of Ben Miller to the Illinois Supreme Court.

VERIFICATION

* * * * *

January 2, 1985
Date

FORM D-2

REPORT OF CAMPAIGN CONTRIBUTIONS OR ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

Full name and complete mailing address of Political Committee

3611 -- 10
Comm. to Retire Justice Miller's Camp. Debt.
c/o Lawrence X. Pusateri, Co-Chairman
200 East Randolph Dr., Suite 7300
Chicago, IL 60601

IDENTIFICATION NO. 3611 AUDIT DIST. S-10

SEE ACCOMPANYING SHEET FOR INSTRUCTIONS

Item 1. REPORTING PERIOD
FROM 7/1/84 THRU 6/30/85

Item 2. Total funds available at beginning of the reporting period. -0-

REQUIRED REPORTS

Item 3. Check One

- ☐ Pre Election Report (30-Day) .... Election Date
- ☐ Post Election Report (60-Day) .... Election Date
- ☒ Annual Report
- ☐ Final Report upon Dissolution or Termination.
- ☐ If this Form is used to amend previous Report of Campaign Contributions or Expenditures, Give the date the previous Statement was prepared.

SECTION A—RECEIPTS:
(COMPLETE FOR ALL REPORTS)

Part 1	*Individual contributions:*	
	a. Itemized (from Schedule A)	$ 28,540
	b. Not itemized	$ -0-
Part 2	*Transfer in:*	
	Itemize all (from Schedule A)	$ -0-
Part 3	*Loans received:*	
	a. Itemized (from Schedule A)	$ -0-
	b. Not itemized	$ -0-
Part 4	*Sale of tickets, mass collections and other sales:*	
	a. Itemized (from Schedule A)	$ -0-
	b. Not itemized	$ -0-
Part 5	*Other receipts* (including refunds & rebates) not otherwise listed in Parts 1 - 4:	
	a. Itemized (from Schedule A)	$ -0-
	b. Not itemized	$ -0-
	TOTAL RECEIPTS	$ 28,540

Part 6	*In Kind Contributions* (do not include in total receipts):	
	a. Itemized (from Schedule A)	$ -0-
	b. Not itemized	$ -0-
	Total *In Kind Contributions*	$ -0-

Item 4. Name of Political Committee
Committee to Retire Justice Miller's Campaign Debt

SECTION B—EXPENDITURES:
(Complete Part 7 and 8 for all Reports.
Complete entire section for Annual or Final Report.)

Part 7 *Transfers out:*
Itemize all (from Schedule B) ..... $ 28,540

Part 8 *Loans made:*
a. Itemized (from Schedule B) ..... $ -0-
b. Not itemized ..... $ -0-

Part 9 *Expenditures* made on behalf of candidates, questions of public policy, personal services, salaries, reimbursed expenses, refunds and rebates, and those expenditures not otherwise reported:
a. Itemized (from Schedule B) ..... $ -0-
b. Not itemized ..... $ -0-

TOTAL EXPENDITURES $ 28,540

Part 10 *In Kind Expenditures* (do not include in total expenditures):
a. Itemized (from Schedule B) ..... $ -0-
b. Not itemized ..... $ -0-
Total *In Kind Expenditures* ..... $ -0-

SECTION C—DEBTS AND OBLIGATIONS:
(Complete for Annual or Final Report Only)

Part 11 *Total Debts and Obligations:*

a. Itemized (from Schedule C)	$ -0-
b. Not itemized	$ -0-
Total *Debts and Obligations*	$ -0-

SECTION D—FUND BALANCES:
(Complete for Annual or Final Report Only)

Funds available at beginning of fiscal year (See Item 2 reverse side)	$ -0-
Add total receipts (From Section A)	$ 28,540
Subtotal	$ 28,540
Subtract total expenditures (From Section B)	$ 28,540
Total funds available at close of reporting period	$ -0-

VERIFICATION

* * * * *

/s/ _____ Co-Treasurer
/s/ _____ Co-Treasurer

July 29, 1985
Date

SCHEDULE B
ITEMIZED EXPENDITURES

NAME OF POLITICAL COMMITTEE
Committee to Retire Justice Miller's Campaign Debt

REPORTING PERIOD
FROM 1984 THRU 1985
I.D. No. 3611

(USE SEPARATE PAGE(S) FOR EACH NUMBERED PART)

INDICATE THE PART NUMBER OF
FORM D-2 BEING ITEMIZED:

Part 7 ☐ Part 8 ☐ Part 9 ☐ Part 10 ☐

FULL NAME, ADDRESS AND ZIP CODE
Committee For Judge Miller
c/o Mr. Robert B. Oxtoby
Van Meter, Oxtoby & Funk
INB Center
One Old Capitol Plaza
P.O. Box 2270
Springfield, IL 62701

DATE OF EXPENDITURE
5/7/85

PURPOSE
transfer to another account of Justice Miller

BENEFICIARY
Justice Miller

AMOUNT OF EACH EXPENDITURE
THIS REPORTING PERIOD
$28,540

AGGREGATE AMOUNT FOR THIS
ACCOUNTING PERIOD
$28,540

TOTAL THIS PERIOD $28,540

SCHEDULE A
ITEMIZED RECEIPTS

INDIVIDUAL CONTRIBUTIONS, TRANSFERS, LOANS, SALES, COLLECTIONS, OTHER RECEIPTS AND IN-KIND CONTRIBUTIONS

NAME OF POLITICAL COMMITTEE
Committee To Retire Justice Miller's Campaign Debt

REPORTING PERIOD
FROM 1984 THRU 1985
I.D. No. 2611

(USE SEPARATE PAGE(S) FOR EACH NUMBERED PART)

INDICATE THE PART NUMBER OF
FORM D-2 BEING ITEMIZED:

Part 1 ☒ Part 2 ☐ Part 3 ☒ Part 4 ☐ Part 5 ☐ Part 6 ☐

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Owen Rall 721 Foster Street Apt. 2W Evanston, IL 60201	1/14/85	100.00	
Eve M. Pusateri 525 Auvergne Place River Forest, IL 60305	1/17/85	300.00	
Mayer, Brown & Platt 231 South LaSalle Street Chicago, IL 60604	1/16/85	2,000.00	
A. Watson Armour III 141 West Jackson Chicago, IL 60604	1/15/85	1,000.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Michael R. Notaro Two N. Riverside Plaza Chicago, IL 60606	1/14/85	200.00	
Carl Fischer, AIA 502 S. Walnut Street Springfield, IL 62704	1/18/85	200.00	
Albert Brooks Friedman, Ltd. 444 N. Michigan Avenue Chicago, IL 60611	1/18/85	200.00	
William C. Schmidt 635 Milburn Evanston, IL 60201	1/21/85	40.00	
Arvey, Hodes, Costello & Burman 180 N. LaSalle Street Chicago, IL 60601	1/21/85	400.00	
Judge & Knight, Ltd. 422 N. Northwest Hwy. Park Ridge, IL 60068	1/18/85	400.00	
Eugene R. Croisant 475 Poplar Street Winnetka, IL 60093	1/22/85	200.00	
John Cadwalander Menk 79 West Monroe Street Chicago, IL 60603	1/21/85	200.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
GOP Judicial Campaign Fund c/o J. Robert Barr 1 First National Plaza Chicago, IL 60603	1/21/85	800.00	
Ceres Terminals Incorporated 95th Street at the Lakefront Chicago, IL 60617	1/22/85	500.00	
B.B.B. Cadillac-Oldsmobile Inc. 123 West Clay Collinsville, IL 62234	1/23/85	100.00	
A. Madonia & Associates 2713 Interlacken Drive Springfield, IL 62704	1/24/85	50.00	
Frank E. Reilly 210 S. Ridge Lake Forest, IL 60045	1/23/85	400.00	
Cotsirilos & Crowley, Ltd. 33 N. Dearborn St. Suite 930 Chicago, IL 60602	1/23/85	200.00	
Carole K. Bellows 725 LaPorte Ave. Wilmette, IL 60091	1/25/85	200.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Law Firm of Michael H. Postilion, Ltd. 188 W. Randolph 38th Floor Chicago, IL 60601	1/25/85	200.00	
Hennessy, Dommermuth, Brestel, Cobine, Roth & West P.O. Box 565 Naperville, IL 60566	1/25/85	200.00	
David W. Maher 19 S. LaSalle Chicago, IL 60603	1/25/85	200.00	
James H. Alesia 1025 S. Lincoln Park Ridge, IL 60068	1/25/85	200.00	
C.B. Montgomery 20 N. Wacker Drive Chicago, IL 60606	1/28/85	600.00	
Motherway & Glenn 100 W. Monroe, Suite 205 Chicago, IL 60603	1/28/85	200.00	
David A. Decker & Assoc. Ltd. 215 North Utica Street Waukegan, IL 60085	1/28/85	200.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Shane H. Anderson 2143 N. Clifton Avenue Chicago, IL 60614	1/28/85	200.00	
Clausen, Miller, Gorman Caffrey & Witous, PC 5400 Sears Tower Chicago 60606	1/28/85	200.00	
Terrence J. Lavin 9916 S. Hamilton Chicago, IL 60643	1/29/85	200.00	
Gary M. Elden 3020 N. Sheridan Chicago, IL 60657	1/28/85	200.00	
John F. Murphy 6428 N. Newgard, Apt. 3 Chicago, IL 60626	1/29/85	200.00	
T. A. Demetrio 921 Romona Road Wilmette, IL 60091	1/29/85	200.00	
David William Horan, M.D. 33 N. Dearborn, #630 Chicago, IL 60602	1/29/85	200.00	
Susan J. Schwartz 9354 Lincolnwood Drive Evanston, IL 60203	1/29/85	200.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Jerry A. Latherow 1555 N. Sandburg Terr. #211 Chicago, IL 60610	1/29/85	200.00	
Bruce Robert Pfaff 717 N. Chestnut Avenue Arlington Heights, IL 60004	1/29/85	200.00	
Patrick J. Harrington 6722 Shiawassee Palos Heights, IL 60463	1/29/85	200.00	
Todd A. Smith c/o Corboy & Demetrio 33 N. Dearborn Chicago, IL 60602	1/29/85	200.00	
Robert J. Bingle 3101 N. Sheridan Chicago, IL 60657	1/29/85	200.00	
Galowich & Galowich (Ronald H. Galowich) 69 W. Washington, #3100 Chicago, IL 60602	1/30/85	200.00	
Francis Patrick Murphy 33 N. Dearborn, #630 Chicago, IL	1/29/85	200.00	
Juergensmeyer & Associates 707A Davis Road Elgin, IL 60120	1/30/85	25.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Arvey, Hodes, Costello & Burman 180 N. LaSalle Chicago, IL 60601	1/29/85	200.00	
Peter M. Sfikas 17 Sharron Ct. Hinsdale, IL 60521	1/30/85	200.00	
Glenn M. Azama 516 W. Barry Ave. Chicago, IL 60657	1/30/85	25.00	
Gene Torrado, Jr. 19 S. LaSalle Chicago, IL 60603	1/30/85	25.00	
Theodore Low 2626 N. Lakeview Ave. #1802 Chicago, IL 60614	1/31/85	25.00	
Algis F. Baliunas 2650 W. 51st Chicago, IL 60632	1/31/85	200.00	
Pamela Baker/Jay R. Franke 215 W. Illinois Street Chicago, IL 60610	1/31/85	50.00	
Don H. Reuben Reuben & Proctor 19 S. LaSalle Chicago, IL 60603	1/31/85	400.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Jeannette Hurley Reuben 19 S. LaSalle Chicago, IL 60603	1/31/85	400.00	
George A. Rice c/o Latham & Watkins Sears Tower #6900 Chicago, IL 60606	1/31/85	50.00	
Michael D. Levin 145 Montogmery St. Glencoe, IL 60022	1/31/85	200.00	
Alfred T. Spada 19 S. LaSalle Chicago, IL 60603	1/31/85	200.00	
James A. Serritella 6643 Tower Circle Drive Lincolnwood, IL 60646	1/31/85	100.00	
Maryanne Zanios Murphy 5510 N. Sheridan #16B Chicago, IL 60640	1/31/85	200.00	
Reuben L. Hedlund Sears Tower #6900 Chicago, IL 60606	1/31/85	250.00	
James A. Cherney 2116 N. Dayton Chicago, IL 60614	1/31/85	25.00	
Stephen S. Bowen 2749 Euclid Park Pl. Evanston, IL 60201	1/31/85	150.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
William F. Madden & Assoc. 135 S. LaSalle #2500 Chicago, IL 60603	2/1/85	400.00	
Chester T. Kamin 4822 S. Kenwood Chicago, IL 60615	2/1/85	600.00	
Berger Investment Company 180 N. LaSalle Street Chicago, IL 60601	2/1/85	600.00	
Louis G. Davidson 111 West Washington #1817 Chicago, IL 60602	2/1/85	200.00	
Altheimer & Gray 333 W. Wacker Drive Chicago, IL 60606	2/1/85	400.00	
Cifelli, Baczynski & Scrementi 450 W. 14th St. Chicago Heights, IL 60411	2/1/85	200.00	
Coffield, Ungaretti, Harris & Slavin 3500 1st National Plaza Chicago, IL 60602	2/1/85	200.00	
James A. Chatz 115 S. LaSalle Chicago, IL 60603	2/1/85	25.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
John Gelston Smith 382 E. Ravine Park Drive Lake Forest, IL 60045	2/1/85	200.00	
Marshall Korshak 69 West Washington St. Chicago, IL 60602	2/1/85	200.00	
Roger S. Barrett 615 Cedar Winnetka, IL 60093	2/1/85	200.00	
Richard E. Mueller 5057 N. Mango Chicago, IL 60630	2/1/85	100.00	
Thomas M. Breen 221 N. LaSalle, #2114 Chicago, IL 60601	2/4/85	200.00	
Pierce, Lydon, Grifin & Montana 110 W. Monroe Chicago, IL 60603	2/4/85	400.00	
Malcolm S. Kamin 1305 N. Sutton Place Chicago, IL 60610	2/4/85	200.00	
Friedman & Koven 208 S. LaSalle, 9th Floor Chicago, IL 60604	2/4/85	400.00	
Alan R. Brunell 3612 Lincoln Hwy. Olympia Fields, IL 60461	2/4/85	200.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Donald C. Schiller 100 W. Monroe, 6th Floor Chicago, IL 60603	2/4/85	200.00	
Richard H. Hoffman 135 S. LaSalle, #3600 Chicago, IL 60603	2/4/85	200.00	
William J. Kunkle, Jr. 6320 Blackhawk Trail Indian Head Park, IL 60525	2/4/85	200.00	
Rock Campaign Fund 29 S. LaSalle, #830 Chicago, IL 60603	2/4/85	200.00	
Mark J. Nora 2645 W. Greenleaf Chicago, IL 60645	2/4/85	200.00	
George W. Davis 431 Westminster Drive Burr Ridge, IL 60521	2/4/85	200.00	
James M. Kane R.F.D., Box 5336 Long Grove, IL 60047	2/4/85	200.00	
J. Theodore Meyer 9007 S. Leavitt St. Chicago, IL 60620	2/4/85	200.00	
Karl F. Nygren 1555 N. Astor, Apt. 25W Chicago, IL 60610	2/4/85	200.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Donald D. Bernardi 804C Deerfield Rd. Pontiac, IL 61764	2/4/85	200.00	
Burton Y. Weitzenfeld 75th Floor, Sears Tower Chicago, IL 60606	2/4/85	100.00	
Committee to Elect Wm. J. Kunkle, Jr. 5007 W. Lawrence Chicago, IL	2/4/85	100.00	
Michael A. Coccia Prudential Plaza Chicago, IL 60601	2/4/85	200.00	
Thomas E. Brannigan 69 West Washington, #2120 Chicago, IL 60602	2/4/85	200.00	
Alexander W. Cook, Jr. 1414 Oak St. Western Springs, IL 60558	2/4/85	200.00	
R. Marlin Smith 2329 Pioneer Rd. Evanston, IL 60201	2/4/85	50.00	
Flanagan, Bilton & Brannigan 69 W. Washington, #2120 Chicago, IL 60602	2/4/85	200.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Thomas D. Flanagan 69 W. Washington Chicago, IL 60602	2/4/85	200.00	
Boodell, Sears, Sugrue, Giambalvo & Crowley 69 W. Washington, 5th Floor Chicago, IL 60602	2/4/85	1,000.00	
Robert J. Booth 2827 N. Cabridge Chicago, IL 60657	2/5/85	100.00	
Gerald T. Donoghue 1427 Blackthorn Drive Glenview, IL 60025	2/5/85	100.00	
Barry Chafetz 9 S. 555 Allison Ct. Hinsdale, IL 60521	2/5/85	200.00	
Debra A. Thomas 360 W. Wellington, Unit 4C Chicago, IL 60657	2/5/85	200.00	
Henry Philip Gruss 3859 N. Pittsburgh Chicago, IL 60634	2/5/85	200.00	
James W. Meyers III 4004 Oak Grove Dr. Valparaiso, IN 46383	2/5/85	200.00	
Warren E. Abrahamson 49 S. Ashland Avenue Palatine, IL 60067	2/5/85	200.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Edward G. Willer 111 W. Washington #1333 Chicago, IL 60602	2/5/85	200.00	
Noah Walker 111 W. Washington St. Chicago, IL 60602	2/5/85	200.00	
John P. Lynch 2007 Spruce Drive Glenview, IL 60025	2/5/85	200.00	
J. Robert Geiman 200 E. Randolph #7300 Chicago, IL 60601	1/9/85	200.00	
Matkov, Griffin, Parsons, Salzman & Madoff 100 W. Monroe #1500 Chicago, IL 60603	2/7/85	50.00	
James L. Coghlan One North LaSalle Chicago, IL 60602	2/14/85	200.00	
Thomas M. Nolan & Assoc. 2130 N. Lincoln Park West Chicago, IL 60614	2/5/85	200.00	
John C. Feirich Box 2408 Carbondale, IL 62901	2/18/85	200.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Kusper & Raucci Chartered 30 N. LaSalle Suite 3400 Chicago, IL 60602	2/4/85	200.00	
Roger T. Brice Reuben & Proctor 19 S. LaSalle Chicago, IL 60603	2/21/85	25.00	
Joel C. Solomon 2430 W. Lawrence, #103A Chicago, IL 60625	2/1/85	200.00	
Lyle W. Allen 6131 Oak Point Ct. Peoria, IL 61614	2/18/85	200.00	
William J. Campbell, Jr. Reuben & Proctor 19 S. Lasalle Chicago, IL 60603	3/1/85	50.00	
Earl Langdon Neal 111 W. Washington #2144 Chicago, IL 60602	2/12/85	200.00	
Thomas F. Ging 1119 W. Belden Chicago, IL 60614	1/25/85	75.00	
Lawrence M. Gill 55 W. Monroe, Suite 1500 Chicago, IL 60603	3/13/85	110.00	

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Jerome N. Groark 55 W. Monroe Chicago, IL 60603	3/13/85	165.00	
Timothy J. or Sandra H. Groark 1920 N. Clark, Apt. 6A Chicago, IL 60614	3/10/85	110.00	
James H. or Wendie L. Ihrke 1115 Donegal Lane Northbrook, IL 60062	3/4/85	110.00	
Terrence E. or Carol A. Kilwala 69 Blackhawk Road Highland Park, IL 60035	3/1/85	100.00	
James G. McConnell 410 Ridge Avenue Evanston, IL 60202	2/28/85	90.00	
Wayne F. or Jill A. Plaza 1108 Chatham Dr. Palatine, IL 60067	3/8/85	100.00	
John G. or Patricia M. Poust 55 W. Monroe, Suite 1500 Chicago, IL 60603	3/6/85	165.00	

TOTAL THIS PERIOD $ 28,540

APPENDIX G

GROUP EXHIBIT C

FORM D-3 **RECORD OF INSPECTION OF CAMPAIGN DISCLOSURE DOCUMENTS**

Committee Number 2347-11

Committee Name Citizens for Calvo for Supreme Court (Horace)

Pursuant to Chapter 46, Article 9-17 of the Illinois Revised Statutes, the following person has inspected the reports of the above named committee.

Maureen B. Beyer
Name of person making inspection (please print)

33 N. LaSalle Suite 2000 Chicago IL
Address City

782-2555
Telephone Number

Paralegal for Bernard Neistein
Occupation and name of employer of person making inspection

The reason for this inspection is: Research

10/26/89
Date

Maureen B. Beyer
Signature of person making inspection

(A duplicate copy will be forwarded to political committee whose records have been inspected.)

* * * * *

SCHEDULE A

Name of Political Committee
Citizens for Calvo for Supreme Court

Reporting Period
From 7/1/88 Thru 6/30/89
I.D. No. 2347

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being Itemized:

- ☒ Part 1 — Individual Contributions
- ☐ Part 2 — Transfers In
- ☐ Part 3 — Loans
- ☐ Part 4 — Sales, Collections
- ☐ Part 5 — Other Receipts
- ☐ Part 6 — In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Clyde L. Kuehn Attorney at Law 2027 West Main Street Belleville, Illinois 62223	10/11/88	250.00	250.00
Joseph R. Curcio, Ltd. 321 North Clark Street Chicago, Illinois 60610	10/17/88	200.00	200.00
Dennis Shevlin 12 West Lincoln Street Belleville, Illinois 62222	10/18/88	1,000.00	1,000.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
John P. Kujawski 6400 W. Main St. Suite 3-A Belleville, Illinois 62223	10/18/88	1,666.67	1,666.67
Rick E. Rosen 6400 West Main St. Suite 3-A Belleville, Illinois 62223	10/18/88	1,666.67	1,666.67
Fritz G. Faerber 6400 W. Main St. Suite 3-A Belleville, Illinois 62223	10/18/88	1,666.66	1,666.66
Paul S. Murphy P.O. Box 2082 Herrin, Illinois 62948	10/17/88	200.00	200.00
Hayes & Power Law Offices Three First National Plaza Chicago, Illinois 60602	11/2/88	500.00	500.00
Stuart Levine 540 North LaSalle Street Chicago, Illinois 60610	10/14/88 11/02/88	100.00 100.00	200.00
Local No. 551 Plumbers & Pipefitters United Assoc. 1105 W. Elm St. P.O. Box 156 West Frankfort, Ill. 52896	10/17/88	200.00	200.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Raymond Lawler Attorney at Law Town & Country Professional Offices Carbon St. at New Rt. #13 Marion, Illinois 62959	11/03/88	475.00	475.00
William E. Yarborough 183 Goulding E. Alton, Illinois 62024	8/8/88	350.00	350.00
Blunt and Schum P.O. Box 373 Edwardsville, Illinois 62025	8/10/88	2,500.00	2,500.00
Phillip W. DeCamp 2 North 465 Villa Avenue Addison, Illinois 60101	9/15/88	600.00	600.00
Law Offices of William W. Schooley P.O. Box 1289 Granite City, Illinois 62040	9/15/88	1,000.00	1,000.00
		TOTAL THIS PERIOD	$12,475.00

SCHEDULE A

Name of Political Committee
Citizens for Calvo for Supreme Court

Reporting Period
From 10/10/88 Thru 1/07/89
I.D. No. 2347

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being Itemized:

- ☒ Part 1 — Individual Contributions
- ☐ Part 2 — Transfers In
- ☐ Part 3 — Loans
- ☐ Part 4 — Sales, Collections
- ☐ Part 5 — Other Receipts
- ☐ Part 6 — In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Local No. 551 Plumbers & Pipefitters United Assoc. 1105 W. Elm St. P.O. Box 156 West Frankfort, Ill. 62896	10/17/88	200.00	200.00
Raymond Lawler Attorney at Law Town & Country Professional Offices Carbon St. at New Rt. #13 Marion, Illinois 62959	11/03/88	475.00	475.00

TOTAL THIS PERIOD $ 8,025.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

AUDIT DIST. 11 IDENTIFICATION NO. 2347

DATE November 4, 1988

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens For Calvo For Supreme Court
4048 Stearns
Granite City, Illinois 62040

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
The Democratic Judges' Committee 801 West Main Street Collinsville, Illinois 62324	11/03/88	$ 1,050.81
Illinois Laborers Legislative Committee 720 Reisch Building Springfield, Illinois 62701	11/03/88	$ 1,000.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

AUDIT DIST. 11 IDENTIFICATION NO. 2347

DATE November 2, 1988

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES—RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES—
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens For Calvo For Supreme Court
4048 Stearns
Granite City, Illinois 62040

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Hayes & Power Law Offices Three First National Plaza Chicago, Illinois 60602	11/2/88	$ 500.00

SCHEDULE A

Name of Political Committee
Citizens for Calvo for Supreme Court

Reporting Period
From 7/1/88 Thru 10/9/88
I.D. No. 2347

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being Itemized:

- ☒ Part 1 — Individual Contributions
- ☐ Part 2 — Transfers In
- ☐ Part 3 — Loans
- ☐ Part 4 — Sales, Collections
- ☐ Part 5 — Other Receipts
- ☐ Part 6 — In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
William E. Yarborough 183 Goulding E. Alton, Il. 62024	8/8/88	$ 350.00	$ 350.00
Blunt and Schum P.O. Box 373 Edwardsville, Il. 62025	8/10/88	$2,500.00	$2,500.00
Phillip W. DeCamp 2 N 465 Villa Ave. Addison, Il. 60601	9/15/88	$ 600.00	$ 600.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Law Offices of William W. Schooley P.O. Box 1289 Granite City, Ill. 62040	9/15/88	$1,000.00	$1,000.00
		TOTAL THIS PERIOD	$ 4,450.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

AUDIT DIST. 11 IDENTIFICATION NO. 2347

DATE October 18, 1988

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens For Calvo For Supreme Court
4048 Stearns
Granite City, Illinois 62040

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Dennis Shevlin 12 West Lincoln Street Belleville, Illinois	10/18/88	$ 1,000.00
John P. Kujawski 6400 West Main Street, Suite 3-A Belleville, Illinois 62223	10/18/88	$ 1,666.67

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Rick E. Rosen 6400 West Main Street Suite 3-A Belleville, Illinois 62223	10/18/88	$1,666.67
Fritz G. Faerber 6400 West Main Street Suite 3-A Belleville, Illinois 62223	10/18/88	$ 1,666.67

SCHEDULE A

Name of Political Committee
Citizens for Calvo for Supreme Court

Reporting Period
From 11/2/87 Thru 6/30/88
I.D. No. 2347

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being Itemized:

- ☐ Part 1 — Individual Contributions
- ☐ Part 2 — Transfers In
- ☒ Part 3 — Loans
- ☐ Part 4 — Sales, Collections
- ☐ Part 5 — Other Receipts
- ☐ Part 6 — In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Horace Calvo	11/9/87	900.00	
288 Westglen	11/24/87	2,000.00	
Glen Carbon, Illinois 62035	1/15/88	2,000.00	$4,900.00

TOTAL THIS PERIOD $ 4,900.00

SCHEDULE A

Name of Political Committee
Citizens for Calvo for Supreme Court

Reporting Period
From 11/2/87 Thru 6/30/88
I.D. No. 2347

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being Itemized:

- ☒ Part 1 — Individual Contributions
- ☐ Part 2 — Transfers In
- ☐ Part 3 — Loans
- ☐ Part 4 — Sales, Collections
- ☐ Part 5 — Other Receipts
- ☐ Part 6 — In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
United Steelworkers Dist. 34 Legislative Fund c/o Buddy W. Davis 1400 20th Street Granite City, Illinois 62040	1/19/88	2,500.00	2,500.00
Gerald J. McGivern 1120 St. Louis Street Edwardsville, Illinois 62025	2/4/88	250.00	250.00
William W. Schooley 2038 Edison Avenue Granite City, Illinois 62040	2/15/88	1,000.00	1,000.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Richard & Jane Shaikewitz 11077 Graeser Lane Creve Coeur, Missouri 63141	2/4/88	250.00	250.00
Suzy & David C. Wahl 10041 Conway Road St. Louis, Missouri 63124	2/1/88	250.00	250.00
Freeark, Harvey & Mendillo Prof. Corp. 115 West Washington Belleville, Illinois 62222	1/29/88	500.00	500.00
Hullverson, Hullverson & Frank 1010 Market Street St. Louis, Missouri 63101	2/15/88	250.00	250.00
Ideal, Inc. 13 North Church Street Belleville, Illinois 62220	2/15/88	250.00	250.00
		TOTAL THIS PERIOD	$ 5,250.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

AUDIT DIST. 11 IDENTIFICATION NO. 2347

DATE March 14, 1988

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens For Calvo For Supreme Court
4048 Stearns
Granite City, Illinois 62040

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Thomas L. Larkin 287 Oakley E. Alton, IL. 62024	3/14/88	$ 2,500.00
David R. Herndon 500 Florida Rosewood Heights, IL. 64024	3/14/88	$ 2,500.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

IDENTIFICATION NO. 2347-11

DATE March 8, 1988

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES--RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES--
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens For Calvo For Supreme Court
P.O. Box 8
Madison, Ill. 62060

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Gregory A. Becker P.O. Box 488 Granite City, ILL. 62040	3/8/88	$ 1,000.00

SCHEDULE A

Name of Political Committee
Citizens for Calvo for Supreme Court

Reporting Period
From 11/2/87 Thru 2/14/88
I.D. No. 2347

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being Itemized:

- ☐ Part 1 — Individual Contributions
- ☐ Part 2 — Transfers In
- ☒ Part 3 — Loans
- ☐ Part 4 — Sales, Collections
- ☐ Part 5 — Other Receipts
- ☐ Part 6 — In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Horace Calvo	11/9/87	900.00	
288 Westglen	11/24/87	2,000.00	
Glen Carbon, IL 62034	1/15/88	2,000.00	$4,900.00

TOTAL THIS PERIOD $ 4,900.00

SCHEDULE A

Name of Political Committee
Citizens for Calvo for Supreme Court

Reporting Period
From 11/2/87* Thru 2/14/88
I.D. No. 2347

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being Itemized:

- ☐ Part 1 — Individual Contributions
- ☒ Part 2 — Transfers In
- ☐ Part 3 — Loans
- ☐ Part 4 — Sales, Collections
- ☐ Part 5 — Other Receipts
- ☐ Part 6 — In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Local 1031 I.B.E.W. Political Committee 1030 Higgins Rd. Park Ridge, Il. 60600	2/14/88	100.00	100.00
*****			
Illinois State United Steel-workers of America Political Education Comm. 950 W. 175th St., * Suite NW Homewood, Il. 60430	1/20/88	1,000.00	1,000.00
*****			
		TOTAL THIS PERIOD	$ 1,100.00

SCHEDULE A

Name of Political Committee
Citizens for Calvo for Supreme Court

Reporting Period
From 11/2/87* Thru 2/14/88
I.D. No. 2347

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being Itemized:

- ☒ Part 1 — Individual Contributions
- ☐ Part 2 — Transfers In
- ☐ Part 3 — Loans
- ☐ Part 4 — Sales, Collections
- ☐ Part 5 — Other Receipts
- ☐ Part 6 — In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
United Steelworkers of America Dist. 34 Legislative Fund 1400 - 20th St. Granite City, Il. 62040	1/19/88	2,500.00	2,500.00
Freeark, Harvey & Merdillo, PC 115 West Washington Belleville, IL. 62222	2/2/88	500.00	500.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
David Wall 10041 Conway Rd. St. Louis, Mo. 63124	2/4/88	250.00	250.00
Richard Shaikewitz 11077 Graeser Ln Creve Coeur, Mo. 63141	2/4/88	250.00	250.00
Gerald J. McGivern 1120 St. Louis St. Edwardsville, Il. 62025	2/4/88	250.00	250.00
		TOTAL THIS PERIOD	$ 3,750.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

IDENTIFICATION NO. 2347-11

DATE March 24, 1988

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens For Calvo For Supreme Court
P.O. Box 8
Madison, Illinois 62060

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Illinois State Cope 100 E. Washington, 2nd Floor Springfield, Illinois 62701	2/23/88	$ 1,000.00
AFSCME Illinois Political Action Committee 534 South 2nd Street Springfield, Illinois 62701	2/23/88	$ 1,000.00

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Illinois Laborers Legislative Committee 720 Reisch Bldg. Springfield, Illinois 62701	2/23/88	$ 500.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

IDENTIFICATION NO. 2347

DATE February 22, 1988

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
110 ILES PARK PLACE – P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62703

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens For Calvo For Supreme Court
P.O. Box 8
Madison, Ill. 62060

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Gerald Montroy* Liberty Road Troy, Ill 62294	2/19/88	$ 575.00

*NOTE: This contribution of Gerald Montroy was received by Larry Calvo on 2-15-88 and was inadvertently left off the report filed by him in my absence on 2-17-88. This contribution was given to my office by him on 2-19-88 which is the date I received it.

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Reed, Armstrong, Gorman & Coffey Edwardsville National Bank Building Edwardsville, Ill. 62025	2/22/88	$ 500.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

IDENTIFICATION NO. 2347

DATE February 17, 1988

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens For Calvo For Supreme Court
P.O. Box 8
Madison, Ill. 62020

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Lucco & Brown 224 St. Louis St. Edwardsville, Ill. 62025	2/15/88	$ 500.00
Rex Carr 215 N. 75th St. Belleville, Ill. 62223	2/15/88	$ 900.00

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Sandor Korein 128 Fox Creek Rd. Belleville, Ill. 62223	2/15/88	$ 900.00
Jerom Schlichter 32 Portland Pl. St. Louis, Mo. 63108	2/15/88	$ 900.00
Joel Kunin 600 Watch Hill Rd. Collinsville, Ill. 62234	2/15/88	$ 575.00
Mark Glass 4474 Laclede St. Louis, Mo. 63108	2/15/88	$ 575.00
Bob Bogard 390 Country Glen Lane St. Louis, Mo. 63141	2/15/88	$ 575.00
Jerome Mirza 705 East Washington St. Bloomington, Ill. 61701	2/17/88	$ 1,000.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

IDENTIFICATION NO. 2347-11

DATE February 17, 1988

/s/ _____

SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens For Calvo For Supreme Court
P.O. Box 8
Madison, Ill. 62060

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Randall A. Bono 65 E. Ferguson Ave. Woodriver, Ill. 62095	2/15/88	$ 1,500.00
Club 50, Teamsters Local Union 50 1609 N. Illinois St. Belleville, Ill. 62222	2/15/88	$ 625.00

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
John E. Norton 105 W. Washington Belleville, 62222	2/15/88	$ 500.00
David L. Blunt 16 Pepperwood Ct. Glen Carbon, Ill. 62034	2/15/88	$ 625.00
Randolph E. Schum 60 Edwardsville Professional Pk. Edwardsville, Ill. 62025	2/15/88	$ 625.00
Tognarelli & Mattea 1605 Vandalia St. Collinsville, Ill. 62234	2/15/88	$ 500.00
Mateyka & Hill #1 Ginger Hill Court Edwardsville, Ill. 62025	2/15/88	$ 500.00
William W. Schooley 2038 Edison Ave. Granite City, Ill. 62040	2/15/88	$ 1,000.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

IDENTIFICATION NO. 2347

DATE October 21, 1982

/s/ _____

SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Committee to Retain Judge Horace L. Calvo
1950 State St., P.O. Box 1384
Granite City, Ill. 62040

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Randall Robertson 1939 Delmar Ave. Granite City, Ill. 62040	9/21/82	$ 200.00
George J. Moran 822 Sherwood Dr. Glen Carbon, Ill. 62034	9/24/82	$ 200.00

SCHEDULE A I.D. No. 2347
ITEMIZED RECEIPTS

INDIVIDUAL CONTRIBUTIONS, TRANSFERS, LOANS, AND OTHER RECEIPTS

NAME OF POLITICAL COMMITTEE
Committee to Retain Judge Horace L. Calvo

DATE
1/11/83
USE FOR ITEMIZING PARTS
1, 2, 3, 5 ON FORM D-2

(USE SEPARATE PAGE(S) FOR EACH NUMBERED PART)

INDICATE THE PART NUMBER OF FORM D-2 BEING ITEMIZED:

☐ Part 1; ☐ Part 2; ☐ Part 3; ☐ Part 5

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Wiseman, Shaikewitz, McGivern & Wahl, P.C. 620 East 3rd Street Alton, Illinois 62002	10/7/82	200.00	200.00
Mateyka, Hill & Hill 10 Glen-Ed Professional Park Edwardsville, Illinois 62025	10/14/82	250.00	250.00
Joseph J. Barr 613 Payne Street Wood River, Illinois 62095	10/29/82	200.00	200.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Casper C. Nighohossian 1326 Niedringhaus Avenue Granite City, Illinois 62040	10/29/82	250.00	250.00
Lance Callis 1326 Niedringhaus Avenue Granite City, Illinois 62040	10/29/82	250.00	250.00
Paul Pratt Route 111 at Airline Drive East Alton, Illinois 62024	10/29/82	250.00	250.00
		TOTAL THIS PERIOD	$ 1,400.00

SCHEDULE A
ITEMIZED RECEIPTS

INDIVIDUAL CONTRIBUTIONS, TRANSFERS, LOANS, SALES, COLLECTIONS, OTHER RECEIPTS AND IN-KIND CONTRIBUTIONS

NAME OF POLITICAL COMMITTEE
Committee to Retain Judge Horace L. Calvo

REPORTING PERIOD
FROM 7/1/82 THRU 7/1/83
I.D. No. 2347

(USE SEPARATE PAGE(S) FOR EACH NUMBERED PART)

INDICATE THE PART NUMBER OF FORM D-2 BEING ITEMIZED:

Part 1 ☒ Part 2 ☐ Part 3 ☐ Part 4 ☐ Part 5 ☐ Part 6 ☐

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Randall Robertson 1939 Delmar Ave. Granite City, Ill. 62040	9/21/82	200.00	200.00
George J. Moran 822 Serwood Dr. Glen Carbon, Ill. 62034	9/24/82	200.00	200.00
Wiseman, Shaikewitz, Mcgivern & Wahl 620 East 3rd Street Alton, Ill. 62002	10/7/82	200.00	200.00
Mateyka, Hill & Hill 10 Glen-Ed Professional Park Edwardsville, Ill. 62025	10/14/82	250.00	250.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Joseph J. Barr 613 Payne St. Wood River, Ill. 62095	10/29/82	200.00	200.00
Casper C. Nighohossian 1326 Niedringhaus Ave. Granite City, Ill. 62040	10/29/82	250.00	250.00
Lance Callis 1326 Niedringhaus Ave. Granite City, Ill. 62040	10/29/82	250.00	250.00
Paul Pratt Rt. 111 at Airline Dr. East Alton, Ill. 62024	10/29/82	250.00	250.00
		TOTAL THIS PERIOD	$ 1,800.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

IDENTIFICATION NO. 2347-11

DATE February 22, 1988

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
110 ILES PARK PLACE – P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens For Calvo For Supreme Court
P.O. Box 8
Madison, Ill. 62060

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Gerald Montroy* Liberty Road Troy, Ill. 62294	2/19/88	$ 575.00

*NOTE: This contribution of Gerald Montroy was received by Larry Calvo on 2-15-88 and was inadvertently left off the report filed by him in my absence on 2-17-88. This contribution was given to my office by him on 2-19-88 which is the date I received it.

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Reed, Armstrong, Gorman & Coffey Edwardsville National Bank Building Edwardsville, Ill. 62025	2/22/88	$ 500.00

SCHEDULE A
ITEMIZED RECEIPTS

INDIVIDUAL CONTRIBUTIONS, TRANSFERS, LOANS, SALES, COLLECTIONS, OTHER RECEIPTS AND IN-KIND CONTRIBUTIONS

NAME OF POLITICAL COMMITTEE
Citizens for Horace L. Calvo

REPORTING PERIOD
FROM THRU
I.D. No. 2347

(USE SEPARATE PAGE(S) FOR EACH NUMBERED PART)

INDICATE THE PART NUMBER OF FORM D-2 BEING ITEMIZED:

Part 1 ☒ Part 2 ☐ Part 3 ☐ Part 4 ☐ Part 5 ☐ Part 6 ☐

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Morris B. Chapman 86 Crestview Dr. Glen Carbon, Ill. 62034	2/22/80	4,000	4,000
Paul L. Pratt Rt. 111 at Airline Dr. Rosewood Heights, Ill. 62024	3/14/80	4,000.00	4,000.00
Thomas Lakin 287 Oakley East Alton, Ill. 62024	3/15/80	2,000.00	2,000.00
John Norton 105 W. Washington Belleville, Ill. 62223	3/21/80	200.00	200.00
Charles Weitzman 2945 Madison Ave. Granite City, Ill. 62040	3/21/80	240.00	240.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

AUDIT DIST. S IDENTIFICATION NO. 2347

DATE March 17, 1980

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens for Horace Calvo for Appellate Judge
1950 State St., P.O. Box 1384
Granite City, Illinois 62040

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Thomas Lakin 287 Oakley East Alton, Ill. 62024	3/15/80	$ 2,000.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

AUDIT DIST. S IDENTIFICATION NO. 2347

DATE March 10, 1980

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES—RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES—
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens for Horace Calvo for Appellate Court
1950 State Street
Granite City, Illinois 62040

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Paul L. Pratt Rt. 111 at Airline Dr. Rosewood Heights, Ill. 62024	3/10/80	$ 4,000.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

AUDIT DIST. S IDENTIFICATION NO. 2347

DATE February 22, 1980

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens for Horace L. Calvo for Appellate Judge
1950 State St.
Granite City, Illinois 62040

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Morris B. Chapman 86 Crestview Dr. Glen Carbon, Ill. 62034	2/22/80	$ 4,000.00

SCHEDULE A
ITEMIZED RECEIPTS

INDIVIDUAL CONTRIBUTIONS, TRANSFERS, LOANS, SALES, COLLECTIONS, OTHER RECEIPTS AND IN-KIND CONTRIBUTIONS

NAME OF POLITICAL COMMITTEE
Citizens for Horace L. Calvo

REPORTING PERIOD
FROM 11/20/79 THRU 2/17/80
I.D. No. 2347

(USE SEPARATE PAGE(S) FOR EACH NUMBERED PART)

INDICATE THE PART NUMBER OF FORM D-2 BEING ITEMIZED:

Part 1 ☑ Part 2 ☐ Part 3 ☐ Part 4 ☐ Part 5 ☐ Part 6 ☐

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Larry A. Calvo 112 Northlake Glen Carbon, Ill. 62034	12/18/79	$200.00	
"	1/21/80	150.00	
"	1/31/80	300.00	$ 650.00
USWA Granite City Sub District Legislative Fund 1901 State St. Granite City, Ill. 62040 Robert Means — Treasurer	2/4/80	300.00	300.00

TOTAL THIS PERIOD $ 950.00

SCHEDULE A
ITEMIZED RECEIPTS

INDIVIDUAL CONTRIBUTIONS, TRANSFERS,
LOANS, SALES, COLLECTIONS, OTHER RECEIPTS
AND IN-KIND CONTRIBUTIONS

NAME OF POLITICAL COMMITTEE
Citizens for Horace L. Calvo

REPORTING PERIOD
FROM 11/20/79 THRU 12/17/80
I.D. No. 2347

(USE SEPARATE PAGE(S) FOR EACH NUMBERED PART)

INDICATE THE PART NUMBER OF
FORM D-2 BEING ITEMIZED:

Part 1 ☐ Part 2 ☐ Part 3 ☑ Part 4 ☐ Part 5 ☐ Part 6 ☐

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Horace L. Calvo (Loan) 288 West Glen Glen Carbon, Ill. 62034	11/20/79	$ 150.00	$ 150.00
		TOTAL THIS PERIOD	$ 150.00

SCHEDULE A

Name of Political Committee
Citizens for Calvo for Supreme Court

Reporting Period
From 10/10/88 Thru 1/07/89
I.D. No. 2347

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being Itemized:

- ☒ Part 1 — Individual Contributions
- ☐ Part 2 — Transfers In
- ☐ Part 3 — Loans
- ☐ Part 4 — Sales, Collections
- ☐ Part 5 — Other Receipts
- ☐ Part 6 — In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
Clyde L. Kuehn Attorney at Law 2027 West Main Street Belleville, Illinois 62223	10/11/88	250.00	250.00
Joseph R. Curcio, Ltd. 321 North Clark Street Chicago, Illinois 60610	10/17/88	200.00	200.00
Dennis Shevlin 12 West Lincoln Street Belleville, Illinois 62222	10/18/88	1,000.00	1,000.00

Full Name, Mailing Address, And Zip Code	Date Received	Amount Of Each Receipt This Reporting Period	Aggregate Amount For This Reporting Period
John P. Kujawski 6400 W. Main St. Suite 3-A Belleville, Illinois 62223	10/18/88	1,666.67	1,666.67
Rick E. Rosen 6400 West Main St. Suite 3-A Belleville, Illinois 62223	10/18/88	1,666.67	1,666.67
Fritz G. Faerber 6400 W. Main St. Suite 3-A Belleville, Illinois 62223	10/18/88	1,666.66	1,666.66
Paul S. Murphy P.O. Box 2082 Herrin, Illinois 62948	10/17/88	200.00	200.00
Hayes & Power Law Offices Three First National Plaza Chicago, Illinois 60602	11/2/88	500.00 —	500.00
Stuart Levine 540 North LaSalle Street Chicago, Illinois 60610	10/14/88 11/02/88	100.00 100.00	200.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTION
OF $500 OR MORE

AUDIT DIST. 11 IDENTIFICATION NO. 2347

DATE November 08, 1988

/s/ _____
SIGNATURE OF TREASURER

LOCAL POLITICAL COMMITTEES–RETURN TO:
APPROPRIATE COUNTY CLERK

STATE POLITICAL COMMITTEES–
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET, P.O. BOX 4187
SPRINGFIELD, ILLINOIS 62708

FULL NAME AND COMPLETE MAILING ADDRESS
OF POLITICAL COMMITTEE:

Citizens For Calvo For Supreme Court
4048 Stearns
Granite City, Illinois 62040

* * * * *

Received From: Full Name, Mailing Address, And Zip Code	Date	Amount
Illinois Political Action Committee for Education P.O. Box 1481 Springfield, Illinois 62705	11/08/88	$ 5,000.00

APPENDIX H

A comparison of the names listed in the Disclosure Statement of the Committee for Judge Miller (App. E) with Sullivan's Law Directory indicates that at least the following contributors, lawyers or entities related to lawyers donated to Justice Miller's campaign: Kirkland & Ellis; Mullen, Clancy and Associates, Ltd.; Arnstein, Gluck, Lehr, Barron & Milligan; Morris B. Chapman and Chapman & Carlson, Ltd.; Philip H. Corboy;[1] Nat P. Ozman; Randall A. Mead; Karl F. Nygren of Kirkland & Ellis; Pfeifer & Kelty, P.C.; Robert D. Winters; Harvey Traub; Pretzel and Stouffer, Chartered; Don Reuben of Reuben & Proctor and Jeannette Reuben; Reuben & Proctor; Friends of Lee Daniels; and Citizens to Elect James E. Ryan.

A comparison of the names listed on the Campaign Disclosure Statement for the Committee to Retire Justice Miller's Campaign Debt (App. F) with Sullivan's Law Directory indicates the two Co-Chairmen, Lawrence Pusateri and Samuel Skinner, were lawyers, and that the following were lawyers or entities related to lawyers: Owen Rall; Mayer, Brown & Platt; Arvey, Hodes, Costello & Burman; Judge & Knight, Ltd.; John Cadwalader Menk; Cotsirilos & Crowley, Ltd.[2]; Carole K. Bellows; Law Firm of Michael H. Postilion, Ltd.; Dommermuth, Brestel, Cobine, Roth & West; David W. Maher; James H. Alesia;

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[1] *In re Corboy*, 124 Ill.2d 29, 124 Ill. Dec. 6, 528 N.E.2d 694 (1988).

[2] *In re Corboy*, 124 Ill.2d 29, 124 Ill. Dec. 6, 528 N.E.2d 694 (1988). *In re Sweig*, No. M.R. 4707 (Mar. 28, 1989).

C. B. Montgomery; Motherway & Glenn; David A. Decker & Assoc., Ltd.; Shane H. Anderson (formerly of Reuben & Proctor); Clausen, Miller, Gorman, Caffrey & Witous, P.C.; Terrence J. Lavin; Gary M. Elden; John F. Murphy; T. A. Demetrio of Corboy and Demetrio[3]; Susan J. Schwartz of Corboy & Demetrio[4]; Bruce Robert Pfaff of Corboy & Demetrio[5]; Patrick J. Harrington; Todd A. Smith of Corboy & Demetrio[6]; Robert J. Bingle of Corboy & Demetrio[7]; Galowich & Galowich; Francis Patrick Murphy of Corboy & Demetrio[8]; Juergensmeyer & Associates; Peter M. Sfikas; Glenn M. Azuma; Theodore Low; Algist F. Baluinas; Don H. Reuben; George A. Rice; Michael D. Levin; Alfred T. Spada; James A. Serritella; Reuben L. Hedlund; James A. Cherney; Stephen S. Bowen; William F. Madden & Assoc., Chester T. Kamin; Louis G. Davidson; Altheimer & Gray; Cifelli, Baczynski & Scrementi; Coffield, Ungaretti, Harris & Slavin; James A. Chatz[9]; John Gelsteon Smith; Marshall Korshak; Roger S. Barrett; Richard E. Mueller; Thomas M. Breen; Pierce, Lydon, Griffin & Montana; Malcolm S. Kamin; Friedman & Koven; Alan R. Brunnell; Donald C. Schiller; Richard M. Hoffman; William

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[3] *In re Corboy*, 124 Ill.2d 29, 124 Ill. Dec. 6, 528 N.E.2d 694 (1988).

[4] *In re Corboy*, 124 Ill.2d 29, 124 Ill. Dec. 6, 528 N.E.2d 694 (1988).

[5] *In re Corboy*, 124 Ill.2d 29, 124 Ill. Dec. 6, 528 N.E.2d 694 (1988).

[6] *In re Corboy*, 124 Ill.2d 29, 124 Ill. Dec. 6, 528 N.E.2d 694 (1988).

[7] *In re Corboy*, 124 Ill.2d 29, 124 Ill. Dec. 6, 528 N.E.2d 694 (1988).

[8] *In re Corboy*, 124 Ill.2d 29, 124 Ill. Dec. 6, 528 N.E.2d 694 (1988).

[9] *In re Chatz*, 124 Ill.2d 29, 528 N.E.2d 694 (1989).

J. Kunkle, Jr.; Mark J. Nora; George W. Davis; James M. Kane; J. Theodore Meyer; Karl F. Nygren; Donald D. Bernardi; Burton Y. Weitzenfeld; Michael A. Coccia; Thomas E. Brannigan; R. Marlin Smith; Flanagan, Bilton & Brannigan; Thomas D. Flanagan; Boodell, Sears, Sugrue, Giambalvo & Crowley; Gerald T. Donohue of Leonard M. Ring; Barry Chafetz of Leonard M. Ring; Debra A. Thomas of Leonard M. Ring; Henry Philip Gruss of Leonard M. Ring; Warren E. Abrahamson of Leonard M. Ring; Edward G. Miller of Leonard M. Ring; Noah Walker of Leonard M. Ring; John P. Lynch; J. Robert Geiman; Matkov, Griffin, Parsons, Salzman & Modoff; James L. Coghlan; John C. Feirich; Kusper & Raucci Chartered; Roger T. Brice; Joel C. Solomon; Lyle W. Allen; William J. Campbell, Jr.; Earl Langdon Neal; Thomas E. Ging; Lawrence M. Gill; Jerome N. Goark; Timothy J. Goark; James H. Ihrke; James G. McConnell; Wayne F. Plaza; John G. Poust.

With respect to the contributors listed on the Campaign Disclosure Statement for the Committee to Retire Justice Miller's Campaign Debt, there also are other persons and entities such as Eve M. Pusateri, who appears to be related to Attorney Lawrence Pusateri, one of the chairmen of the Committee; Jeannette Hurley Reuben, whose address is the same as and who appears to be related to Attorney Don H. Reuben; the Rock Campaign Fund, which may be the campaign fund of Attorney Philip H. Rock; and the Committee to Elect Wm. J. Kunkle, Jr., also being a lawyer.

A comparison of the names listed on the Campaign Disclosure Statement for Citizens for Calvo (App. G) with Sullivan's Law Directory indicates that at least the following were lawyers: Raymond Lawler; William W. Schooley; Clyde L. Kuehn; Joseph R. Curcio; Hayes & Powers;

Albert F. Hofeld; Jerome Mirza; Dennis Shevin; John P. Kujawski, Rick E. Rosen and Fritz Faerber, all of Kujawski, Rosen and Faerber; Stuart P. Levine; Freeark, Harvey & Mendillo P.C.; Reed, Armstrong, Gorman, Coffey, Thomson & Gilbert; Gregory A. Becker; Lucco & Brown; Randall A. Bono; John E. Norton; Blunt & Schum; David L. Blunt of Blunt & Schum; Randolph E. Schum of Blunt & Schum; Tognarelli & Mattea; and Mateyka & Hill.

Supreme Court, U.S.
FILED
APR 3 1990
JOSEPH F. SPANIOL, JR.
CLERK

No. 89-1406

IN THE

Supreme Court of the United States

OCTOBER TERM, 1989

BERNARD S. NEISTEIN,

Petitioner,

vs.

ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION OF THE SUPREME COURT OF ILLINOIS,

Respondent.

On Petition For A Writ Of Certiorari To The Supreme Court Of Illinois

RESPONDENT'S BRIEF IN OPPOSITION

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QUESTIONS PRESENTED

I. AN ILLINOIS ATTORNEY DISCIPLINARY RULE PROHIBITING LOANS OR GIFTS TO A JUDGE EXCEPT THOSE LOANS OR GIFTS MADE AS CAMPAIGN CONTRIBUTIONS DOES NOT VIOLATE THE EQUAL PROTECTION CLAUSE OF THE UNITED STATES CONSTITUTION.

II. PETITIONER HAS FAILED TO INVOKE FEDERAL JURISDICTION PURSUANT TO 28 USC §1257(a) AS TO HIS DUE PROCESS CLAIM BECAUSE HE FAILED TO TIMELY BRING HIS FEDERAL CLAIM TO THE ATTENTION OF THE ILLINOIS SUPREME COURT WITH FAIR PRECISION AND BECAUSE HE FAILED TO PROMPTLY ASSERT A CLAIM OF BIAS OR PREJUDICE IN THE ILLINOIS SUPREME COURT.

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Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF ILLINOIS

RESPONDENT'S BRIEF IN OPPOSITION

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

The Fourteenth Amendment to the United States Constitution provides, in pertinent part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U.S. CONST. amend. XIV, §1.

Disciplinary Rule 7-110(a) of the Illinois Code of Professional Responsibility, provides:

> A lawyer shall not give or lend any thing of value to a judge, official, or employee of a tribunal except those gifts or loans which a judge or a member of his family may receive under Rule 65(C)(4) of the Code of Judicial Conduct, except that a lawyer may make a contribution to the campaign fund of a candidate for such office.

Ill.Rev.Stat. ch. 110A, Art. VIII, Rule 7-110(a) (amended 1988).

The Illinois Disclosure of Campaign Contributions and Expenditures Act provides, in pertinent part:

> §9-10. The treasurer of every state political committee and the treasurer of every political committee shall file with the Board, and the treasurer of every local political committee shall file with the county clerk, reports of campaign contributions and expenditures on forms to be prescribed or approved by the Board. The treasurer of every political committee that acts as both a state political committee and a local political committee shall file a copy of each report with the county clerk.

Ill.Rev.Stat. ch. 46, para. 9-10 (1987).

> §9-17. All statements and reports filed under this Article with the Board or county clerk shall be available for examination and copying by the public at all reasonable times. Such person examining a statement or report must first fill out a form prepared by the Board identifying the examiner by name, occupation, address and telephone number, and listing the date of examination and reason for such examination. The Board shall supply such forms to the county clerks annually and replenish such forms upon request. The Board or county clerk, as the

> case may be, shall promptly notify each political committee required to file a statement or report under this Article of each instance of an examination of its statement or report by sending it a duplicate original of the identification form filled out by the person examining its report.

Ill.Rev.Stat. ch. 46, para. 9-17 (1987).

Supreme Court Rule 65(C)(4) provides:

> (4) Neither a judge nor a member of his family residing in his household should accept a gift, bequest, favor, or loan from anyone except as follows:
>
> (a) a judge may accept a gift incident to a public testimonial to him; books supplied by publishers on a complimentary basis for official use; or an invitation to the judge and his spouse to attend a bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;
>
> (b) a judge or member of his family residing in his household may accept ordinary social hospitality; a gift, bequest, favor or loan from a relative; a wedding or engagement gift; loan from a lending institution in its regular course of business on the same terms generally available to persons

> who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants;
>
> (c) a judge or a member of his family residing in his household may accept any other gift, bequest, favor, or loan only if the donor is not a party or other person whose interests have come or are likely to come before him, including lawyers who practice or have practiced before the judge.

Ill.Rev.Stat. ch. 110A, Art. I, Rule 65(C)(4) (1987).

Title 28, Section 1257(a) of the United States Code provides:

> Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or law of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties

> or statutes of, or any commission held or authority exercised under, the United States.

28 U.S.C. §1257(a)(1986).

INTRODUCTION

For the sake of brevity, Respondent will not include sections in this brief relating to the opinion below and jurisdiction. Respondent will address in Argument those portions of Petitioner's brief which Respondent considers inaccurate or inadequate.

STATEMENT OF THE CASE

Petitioner Bernard S. Neistein was licensed to practice law in Illinois, in 1937. After his admission, Petitioner entered general sole practice in Chicago. (Tr. 78). In 1956, he established a partnership with Irvin F. Richman. (Adm.Ex. 4 at 39). They have practiced law together since then.

During 1980, the firm which Petitioner and Richman founded in 1956 had grown to include approximately

fifteen attorneys. (Tr. 110). It was known at that time as Neistein, Richman, Hauslinger and Young. (Tr. 108). The firm, which had been a professional corporation since the early 1970's, was composed of four main shareholders who acted as senior partners. (Tr. 29, 110).

The firm's business has been concentrated in the area of real estate, commercial law and banking matters. The nature of the practice has involved frequent litigation in the Chancery Division of the Circuit Court of Cook County. (Adm.Ex. 4 at 40).

In 1980, Petitioner and his firm owed 25% of the stock of the Republic Bank of Chicago, 6501 South Pulaski, Chicago. (Tr. 111; Adm.Ex. 3 at 9). The bank was sold on or about October 31, 1984. (Tr. 111-112).

Petitioner received a profit of $325,000.00 or $345,000.00 from the sale. (Tr. 123).

Petitioner first met Judge Reginald J. Holzer, a judge of the Circuit Court of Cook County, Illinois, during the 1950's. Petitioner never became a social friend of Holzer. (Tr. 31). He never personally appeared before Holzer in any pending case. (Tr. 37). Between 1978 and 1982, members of Petitioner's law firm appeared as counsel of record before Holzer in the Circuit Court of Cook County in 14 cases. (Complaint and Answer at par. 11).

At the end of 1979 or early in 1980, Petitioner met Holzer in a hallway of the Civic Center, Chicago. Holzer told Petitioner that he wanted to speak to him and would soon telephone Petitioner.

(Tr. 33). A week or two later, Holzer telephoned Petitioner and invited him to his chambers. (Tr. 33-34).

When Petitioner met with Holzer, the judge related that he, Holzer, "[w]asn't liquid at the time" and needed a $10,000.00 loan. Petitioner told Holzer that he would get back to him. (Tr. 34). Petitioner discussed Holzer's request with Richman. (Tr. 34, 112-113). Richman told Petitioner that they could not loan any money to the judge, but if the judge qualified for a loan, he should go to the Republic Bank of Chicago. (Tr. 113). Within the week, Petitioner informed the judge of their decision. (Tr. 37-38).

Richman telephoned Marvin E. Schatzman, the President and Chief Executor Officer of Republic Bank and asked Schatzman to send Holzer the necessary paperwork for a $10,000.00

loan. (Tr. 253). The bank sent the necessary paperwork directly to Holzer. (Tr. 253-254). Sometime thereafter, the bank approved a $10,000.00 unsecured loan for the judge. (Tr. 252, 255).

Holzer failed to make the interest payments due on June 28, 1980. (Tr. 121). Petitioner told Holzer that the judge had not made a payment on the loan. Holzer then told Petitioner to pay the principal and the interest. (Tr. 41-42). Petitioner did not respond and returned to his office where he met with Richman. (Tr. 42). Petitioner and Richman decided to pay the loan.

During 1980 and 1981, Petitioner and Richman paid a total of $8,770.67 in principal and interest on the Holzer loan. (Adm.Ex. 7-20). Periodically, Holzer would contact Petitioner and ask the lawyer to come to his chambers. When

Petitioner would arrive, Holzer would hand him a white slip and ask Petitioner to make a payment. (Tr. 47-8). Petitioner and Richman would pool their money and Richman would purchase a money order. (Tr. 47-8, 130-1). Richman would sign Holzer's name on the money orders. He would then mail the money order and the white slip to the Bank. (Tr. 130). Petitioner and Richman purchased a total of fourteen money orders for the judge between June, 1980 and June, 1981.

The last payment made on the Holzer loan was June 23, 1981. (Adm.Ex. 20; Tr. 152). Petitioner and Richman stopped making payments because they claim Holzer stopped asking them to make payments. (Tr. 66). Holzer apparently made the remaining payments himself until the loan was paid off. (Adm.Ex. 4 at 54).

At no time were opposing counsel in any action pending before Holzer ever informed of the payments to the judge. (Tr. 145-6). At no time was Holzer's recusal sought in firm cases pending before him. (Adm.Ex. 5 at 46). At no time did Petitioner ever receive from Holzer repayment of any portion of the monies paid toward the loan. (Adm.Ex. 5 at 50-52). At no time did Petitioner ever bring Holzer's conduct to the attention of the United States Attorney, Cook County States Attorney, the Judicial Inquiry Board or the Attorney Registration and Disciplinary Commission. (Tr. 56).

On May 5, 1985, an indictment was filed in the United States District Court for the Northern District of Illinois, Eastern Division, in the matter entitled, United States v. Reginald Holzer, 85 CR

287 (N.D. Ill.). The indictment alleged that Holzer engaged in a scheme to extort personal financial advantages from Petitioner. (Complaint and Answer, Background at 3).

On February 18, 1986, Holzer was found guilty and sentenced to prison. (Complaint and Answer, Background at 4). Holzer was found not guilty of extorting Petitioner and Richman. United States v. Holzer, 85 CR 287 (N.D. Ill.).

On September 10, 1986, the Administrator of the Attorney Registration and Disciplinary Commission filed a complaint against Petitioner pursuant to Illinois Supreme Court Rule 753. Petitioner was charged inter alia with giving things of value to judicial and political officials in violation of the Illinois Code of Professional

Responsibility. On October 6, 1986, Petitioner's answer was filed. Subsequently, discovery ensued.

Hearing was conducted on May 27, 1987 and July 15, 1987. During the course of hearing, evidence was introduced to support each of the counts.

On December 28, 1987, the report of the Hearing Board was filed. The Hearing Board found that Petitioner had violated Disciplinary Rule 7-110(a) of the Illinois Code of Professional Responsibility, by making payments on Judge Holzer's loan. (Hrg.Bd.Rpt. at 6). The Hearing Board recommended that Petitioner be suspended from the practice of law for a period of 30 months. (Hrg.Bd.Rpt. at 7).

On January 12, 1988, the Administrator filed exceptions to the Hearing Board report.

On January 20, 1988, Petitioner filed exceptions to the Hearing Board report. Subsequently, the issues were briefed and argued before the Review Board.

On May 17, 1988, the report and recommendation of the Review Board was filed. The members of the Review Board concurred with the findings of fact and conclusions of law of the Hearing Board. The Review Board also recommended that Petitioner be suspended from the practice of law for a period of 30 months.

On June 3, 1988, the Administrator filed a petition for leave to file exceptions with the Supreme Court of Illinois. The Administrator excepted to the recommendation of suspension and asked that Petitioner be disbarred.

On June 6, 1988, Petitioner filed his exceptions to the report and

recommendation of the Review Board. Petitioner excepted to both the findings and recommendation of the Review Board.

On October 3, 1988, the Court allowed the Administrator's petition for leave to file exceptions and the Petitioner's exceptions.

On October 25, 1989, after considering briefs and oral arguments, the Supreme Court of Illinois issued an order suspending both Petitioner and his partner from the practice of law for a period of 30 months.

On November 17, 1989, Petitioner filed a Petition for Rehearing with the Supreme Court of Illinois.

On December 6, 1989, the Supreme Court of Illinois denied the petition.

On December 11, 1989, Petitioner filed a Motion to Stay Mandate with the

Supreme Court of Illinois so as to permit Petitioner time to seek review in the Supreme Court of the United States.

On December 19, 1989, the Supreme Court of Illinois issued an order staying the mandate.

On March 2, 1990, Petitioner filed his Petition for Writ of Certiorari to the Illinois Supreme Court with the Clerk of the United States Supreme Court.

On March 2, 1990, Petitioner served Respondent with copies of his Petition for Writ of Certiorari filed with the Supreme Court of the United States.

SUMMARY OF ARGUMENT

The Petition for Writ of Certiorari to the Supreme Court of Illinois should be denied for the following reasons:

First, Disciplinary Rule 7-110(a) does not violate the equal protection clause of the United States Constitution. The policy objective of Rule 7-110(a) is to preserve an independent and impartial judiciary. Rule 7-110(a) reasonably prohibits non-campaign loans or gifts to a judge, because they are not regulated or disclosed. Rule 7-110(a) allows campaign loans or gifts to a judge, because they are regulated and disclosed. Thus, Rule 7-110(a) bears a rational relationship to the objective of preserving an impartial judiciary.

Second, as to his due process claim, Petitioner has failed to invoke the jurisdiction of this Court pursuant to 28 U.S.C. § 1257(a). Petitioner failed to timely and adequately present his due process claim to the Supreme Court of Illinois. Further, Petitioner failed to

raise his claim of bias or prejudice in the original proceeding. Thus, Petitioner has waived his right to raise the issue of recusal.

ARGUMENT

I. AN ILLINOIS ATTORNEY DISCIPLINARY RULE PROHIBITING LOANS OR GIFTS TO A JUDGE EXCEPT THOSE LOANS OR GIFTS MADE AS CAMPAIGN CONTRIBUTIONS DOES NOT VIOLATE THE EQUAL PROTECTION CLAUSE OF THE UNITED STATES CONSTITUTION.

The Equal Protection Clause of the United States Constitution guarantees that similar people will be treated equally by the laws. U.S. CONST. amend. XIV, §1. In order to have any law reviewed under the equal protection clause, one must be able to show that the regulation unlawfully classifies a person in some way.

Petitioner fails to establish either that Rule 7-110(a) classifies persons in

terms of their ability to exercise a fundamental right or establishes a suspect classification based upon race, national origin, alienage, illegitimacy or gender. Thus, Rule 7-110(a) is proper if it bears any rational relationship to the end sought to be achieved by the State of Illinois.

The States have a compelling interest in the practice of professions within their boundaries. Goldfarb v. Virginia State Bar, 421 U.S. 773, 792 (1975). The interest of the States in regulating lawyers is especially great because lawyers are essential to the primary governmental function of administering justice, and have historically been "officers of the courts." Goldfarb, 421 U.S. 773, 792 (1975).

State courts also have the inherent authority to regulate the admission to the practice of law and the discipline of attorneys who have been admitted to practice before it. Goldfarb, 421 U.S. 773, 789 (1975). The supervision of attorney conduct is one of the most crucial functions of the Supreme Court of Illinois. See In re Neff, 83 Ill.2d 20, 25, 413 N.E.2d 1282, 1284 (1980).

The policy objective of Rule 7-110(a) is to preserve an independent and impartial judiciary. In re Corboy, et al., 124 Ill.2d 29, 37-38, 528 N.E.2d 694, 697 (1988); See Illinois Code of Professional Responsibility EC 7-34 (1970). It is a prophylactic rule designed not only to forestall lawyers from seeking to exercise improper influence over the judiciary, but also to eliminate even the appearance of improper

influence. In re Corboy, et al., 124 Ill.2d 29, 38, 528 N.E.2d 694, 697 (1988).

Non-campaign loans or gifts, such as those made by Petitioner, are prohibited because they are not regulated and are not disclosed to the public nor to other attorneys. In re Neistein, 132 Ill.2d 104, 112-113, 547 N.E.2d 198, 202 (1989). Such loans or gifts create an appearance of impropriety and denigrate the integrity of the legal system in the eyes of the public. Further, the clandestine nature of non-campaign loans or debts facilitates the opportunity for attorneys to seek to influence members of the judiciary.

In contrast, the Supreme Court of Illinois determined it was reasonable to provide an exception concerning gifts and loans made to a designated judicial campaign fund. See, Ill.Rev.Stat. ch. 110A, Art. VIII, Rule 7-110(a) (1980)(amended 1988).[1] Loans or gifts to candidates or their committees must be reported pursuant to the Disclosure of Campaign Contributions and Expenditures Act. Ill.Rev.Stat. ch. 46, para. 9-1 to 9-27 (1987). As the Illinois Supreme

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1/ The drafters of Rule 7-110(a) recognized that lawyers should not be second-class citizens, and constitutional problems might be raised by a regulation restricting lawyer contributions to political campaigns. Ill.Ann.Stat. ch. 110A, Art. VIII, Rule 7-110, committee comments (Smith-Hurd 1980).

Court noted, campaign loans or gifts are publicly disclosed, thereby preserving the policy objective of Rule 7-110(a) of maintaining an impartial judiciary. In re Neistein, 132 Ill.2d 104, 112-113, 547 N.E.2d 198, 202 (1989).

The Supreme Court of Illinois seeks to maintain an independent and impartial judiciary. Disciplinary Rule 7-110(a) is rationally related to that objective. Thus, Petitioner fails to establish that Disciplinary Rule 7-110(a) violates the equal protection clause of the United States Constitution.

II. PETITIONER HAS FAILED TO INVOKE FEDERAL JURISDICTION PURSUANT TO 28 USC §1257(a) AS TO HIS DUE PROCESS CLAIM BECAUSE HE FAILED TO TIMELY BRING HIS FEDERAL CLAIM TO THE ATTENTION OF THE ILLINOIS SUPREME COURT WITH FAIR PRECISION AND BECAUSE HE FAILED TO PROMPTLY ASSERT A CLAIM OF BIAS OR PREJUDICE IN THE ILLINOIS SUPREME COURT.

Petitioner is required to demonstrate that this Court has jurisdiction to review the judgment of the Supreme Court of Illinois. Petitioner has failed to do so.

This Court cannot consider a federal claim unless a Petitioner either raised the issue in the state court or the state court considered and resolved the federal claim. McGoldrick v. Compagnie Generale, 309 U.S. 430, 434 (1940). When the highest state court has failed to pass upon a federal question, it will be assumed that the omission was due to want of proper presentation in the state courts, unless the aggrieved party in

this Court can affirmatively show the contrary. Street v. New York, 394 U.S. 576, 582 (1969). A Petitioner must show that the federal claim was brought to the attention of the state court with fair precision and in due time. New York ex rel. Bryant v. Zimmerman, 278 U.S. 63, 67 (1928).

Petitioner failed to timely bring his due process claim to the attention of the Illinois Supreme Court, with any degree of precision. On February 2, 1989, he filed a brief and appendix in the Supreme Court of Illinois. Petitioner raised no due process claim in that brief.

On April 7, 1989, Petitioner filed a reply brief and an appendix, in the Supreme Court of Illinois. There, Petitioner again failed to adequately present his due process issue to the Supreme Court of Illinois.[2]

2/

In a footnote found on page eighteen of his twenty-four page reply brief, Petitioner asserted as follows:

Depending upon what justices participate in the decision of this case, there may also be due process issues under the U.S. Constitution, Art. XIVl, Sec. 1, and Illinois Constitution, Art. 1, Sec. 2. Due Process requires a fair, impartial, and unbiased tribunal. Goldberg v. Kelly, 397 U.S. 254, 25 L.Ed.2d 287, 90 S.Ct. 1011 (1970); In re Murchinson, 349 U.S. 133, 75 S.Ct. 623 (1955); Collura v. Board of Police Commissioners, 113 Ill.2d 361, 498 N.E.2d 1148, 1151 (1986). (Pet. Reply Br. at 18 n.9).

The language employed by Petitioner does not constitute an adequate articulation of a federal issue.

Petitioner first articulated a federal due process claim with any degree of specification in his petition for rehearing after the judgment of the Supreme Court of Illinois. (Pet.Br. 13).

Raising a federal question for the first time in a petition for rehearing addressed to the highest state court is, however, generally insufficient to invoke federal jurisdiction unless the court actually entertains the petition and expressly decides the question. Consolidated Turnpike Company v. Norfolk and Ocean View Railway Company, 228 U.S. 326, 334 (1913). As the Illinois Supreme Court denied the petition in the instant case without entertaining the federal question, the general rule precludes review by this Court. To constitute a reviewable judgment under such circumstances, the order denying the

petition for rehearing must be more than a cursory recitation that the petition has been fully or maturely considered and is accordingly denied. Consolidated Turnpike, 228 U.S. 326, 333-334 (1913).

Further, Petitioner clearly does not fit within any exception to this general rule. Thus, Petitioner has failed to invoke the jurisdiction of this Court.

In the alternative, Petitioner waived his right to raise the issue of recusal. The discipline of attorneys is in the nature of an original proceeding. In re Mitan, 75 Ill.2d 118, 123-124, 387 N.E.2d 278, 280 (1979) cert.denied, 444 U.S. 916 (1979). Under Illinois law, a failure to object at the original proceeding generally constitutes a waiver of the right to raise the issue on appeal. People v. Carlson, 79 Ill.2d 564, 576-577, 404 N.E.2d 233, 239 (1980).

One must promptly assert a claim of bias or partiality of a judge in order to warrant disqualification. E & E Hauling, Inc. v. Pollution Control Board., 107 Ill.2d 33, 38, 481 N.E.2d 664, 666 (1985) (quoting Duffield v. Charleston Area Medical Center, Inc., 503 F.2d 512, 515 (4th Cir. 1974). It would not be proper to allow a party to withhold a claim of bias until he first seeks a ruling in a matter and then permit him to assert it after he receives an unfavorable ruling. City of Rockford v. County of Winnebago, 186 Ill.App.3d 303, 313, 542 N.E.2d 423, 431 (1989) (citing Waste Management of Illinois v. Pollution Control Board, 175 Ill.App.3d 1023, 1039-1040, 530 N.E.2d 682, 695 (1988).

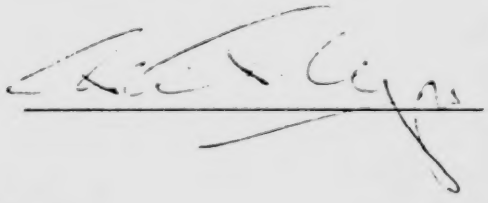
Petitioner did not request recusal nor raise the issue of bias or impartiality until his petition for

rehearing. Petitioner was aware of the alleged disqualifying circumstances before he first sought a ruling in the Illinois Supreme Court. Thus, Petitioner cannot here claim a lack of due process based on an alleged biased or impartial judiciary.

CONCLUSION

For the reasons set forth above, Respondent respectfully submits the Petition for Writ of Certiorari be denied.

Respectfully submitted,



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